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Montenegro

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I. Methodology and consultation process

1. This report has been prepared within the third UPR cycle. In accordance with the HRC guidelines (A/HRC/DEC/17/119), the report is focused on the review of human rights situation and the progress achieved since 2013, with special focus on the progress in the implementation of the recommendations after the submission of the 2015 Mid-Term report (http://lib.ohchr.org/HRBodies/UPR/Documents/Session15/ME/Montenegro2ndCycle.pdf).

2. The document is a result of national consultations in which the state authorities (Government, judiciary and prosecution) as well as the national institution of the Protector of Human Rights, NGOs (Civic Alliance, Center for Children's Rights, Roma Education Fund, Paraplegics' Association of Podgorica and Women's Rights Center) and the UN system in Montenegro took part. It is based on regular periodic assessments of the implementation of the second cycle's recommendations in accordance with the adopted Action Plan in which all the mentioned participants took place or an ongoing basis. Four rounds of consultations took place.

II. Normative and institutional framework for promotion and protection of human rights and freedoms

3. The detailed information on the legal and institutional framework for human rights promotion and protection are contained in national UPR reports[1], as well as in the Mid-Term report. In the reporting period activities aimed at strengthening normative and institutional system for exercising, protection and improvement of human rights and freedoms were undertaken through enforcing of administrative and expert capacities, establishing better coordination and monitoring of activities conducted by relevant branch departments, as well as through efficient functioning of established working bodies and the institution of the Protector of Human Rights.

A. Institutional framework (117.1–117.7)

4. The Ministry for Human and Minority Rights (MHMR) is the main governmental institution for the policy making for human rights and freedoms protection and anti-discrimination. A number of working bodies was formed with the authority to monitor the implementation of the policies of human rights protection and exercising: Social Council, Council for the Rule of Law, Gender Equality Council and Anti-Discrimination Council which was active in the period 2011-2016. The Anti-Discrimination Council contributed to the roundup of the legislation framework which enables unhindered implementation of policies and activities from the area of human rights and protection against discrimination. Establishing of institutions dealing with these issues, securing of monitoring on both national and international level and forming the Council for the Rule of Law, the requirements for the disbanding of the Anti-Discrimination Council have been met.

5. In order to increase the efficiency and to achieve measurable results in the area of fight against corruption, a centralized preventive anticorruption institutional framework was created by establishing the Anti-Corruption Agency on January 1, 2016, as an independent and autonomous state institution. The Agency's activities are defined by the Law on Corruption Prevention, the Law on Financing of Political Subjects and Election Campaigns and the Law on Lobbying.

6. A normative and institutional framework which determines the functioning of the institution of the Protector as an institutional mechanism for the protection against

discrimination and National Prevention Mechanism (NPM) has been rounded up. The number of employees in the institution was increased to 34, including the appointments of four Protector's deputies for: general issues, the NPM and protection against torture, children's issues and social welfare, and issues related to the protection against discrimination. This number is not in any way limited. A NPM working body was assembled consisting of experts from various fields (psychology, psychiatry, forensic medicine, penology etc.). The institution of the Protector was accredited in 2016 by the GANHRI[2] with B - status.

7. By passing the Law on the Protector of Human Rights and Freedoms, the Anti-Discrimination Law and the Law on Gender Equality, by-laws and by adopting methodologies and plans for certain areas of protection, as well as conducting of training courses for the employees through cooperation with CoE/EU, the obligations stemming from the Government's Agendas from 2014-2017 and the Action Plan for Chapter 23 (AP23) – Judiciary and Fundamental Rights, which include certain measures and deadlines for strengthening capacities of the institution of the Protector, have been completely met. The assets for the work of the Institution in all protection segments, including a continual increase in the number of employees are secured through the budget, as well as an adequate working space. All the activities of the Protector are presented in Annual Reports available on the Institution's website.

B. International-law documents and cooperation with treaty bodies (119.4–119.7, 117.43)

8. Montenegro is a member of almost all international human rights instruments[1].

9. The drafting of the Law Proposal on confirmation of the amendments to the Rome Statute from Kampala is underway. The Criminal Code of Montenegro contains articles 442 "Crimes of Aggression" and 432 "Use of Illicit Weapons" which were in line with the amendments proposed for confirmation.

10. In the period between the two cycles the initial reports for ICCPR, ICESCR, ICCPED, CRPD and second periodic reports for CAT and CEDAW were scrutinized. CRC II and III periodic reports and CERD IV, V, VI periodic reports were submitted.

11. The visits of the Special Rapporteur for Freedom of Opinion and Expression were organized in June 2013 as well as of the Working Group on enforced or involuntary disappearances in June 2014.

III. Progress in realizing and protecting human rights – implementation of recommendations, achieved results, activities and challenges

12. Within the second UPR cycle, Montenegro received 124 recommendations out of which 120 have been accepted. 57 recommendations have been fully implemented, while the implementation of the remaining recommendations is underway. The implementation of the highest number of recommendations includes continual processes of human rights advancement.

13. The human rights strategies have been continuously implemented in line with the accompanying action plans (APs), with special focus on the most vulnerable groups. The annual reports on strategies' implementation are available on the Government's official webpage. Within the reporting period the following strategies are being realized: Strategy for Improving Quality of Life of LGBT 2013-2018, AP for Achieving Gender Equality

(APAGE) 2013-2017 and 2017-2021, Strategy for Improving the RAE (Roma, Ashkaelia and Egyptians) Population Position 2012-2016, Strategy on Social Inclusion of RAE 2016-2020, Inclusive Education Strategy 2014-2018, Strategy for Integration of Persons with Disabilities 2008-2016, Strategy for Protecting Persons with disabilities from Discrimination and Promoting of Equality 2017-2021, National Action Plan for Children (NPAC) 2013–2017, Strategy of Minority Policy 2008-2018, Strategy for Durable Solutions of Issues of DPs/IDPs from the former Yugoslav Republics residing in Montenegro, with special emphasis on Konik Camp 2011-2015 and 2017-2019, Strategy for the Fight Against Human Trafficking 2012-2018, Strategy for the Prevention and Protection of Children Against Violence 2017-2021, National Strategy of Employment and Human Resources Development 2016-2020, Development Strategy of Social Welfare and Children's Protection 2013-2017, Strategy for Development of Foster Care 2012-2016, Strategy for Female Entrepreneurship Development 2016-2020, National Youth Strategy 2017-2021, Action Plan for the Resolution 1325 – Women, Peace, Security. A new Strategy of Social Welfare Development for Older Persons 2018 – 2022 is underway.

14. 2030 National Strategy for Sustainable Development was adopted, which is completely harmonized with Agenda 2030 and SDGs. (117.10, 118.6)

A. National mechanism for follow-up and coordination of the implementation of international obligations

15. The process of developing a national mechanism has started. The monitoring mechanism will enable an insight into the recommendations received from the UN system and activities and results in the process of implementing the recommendations. Montenegro has been chosen as a pilot country for establishing an OHCHR database. A working group has been established in charge of the database implementation. The database will be subject to regular updating, in accordance with the activities of the main human rights committees and mechanisms and the obligations of Montenegro in the implementation and regular reporting.

16. To efficiently use the database, a workshop on human rights for the representatives of state institutions, civil society and the Protector has been organized in cooperation with OHCHR (117.16). The establishing of database is expected to significantly improve consistent implementation of the ratified international instruments. (117.9)

B. Governance (democracy, rule of law, transparency, fight against impunity)

1. Judiciary reform and fight against corruption (117.52-61)

17. Within the EU membership negotiations, the Government adopted AP23 in 2015, in accordance with the recommendations of the European Commission (EC) contained in the 2014 Progress Report and the temporary criteria. The AP is implemented continuously. The funding is secured through regular budget assets, by IPA funds and other donors. The working group for Chapter 23 reports quarterly on the realization of measures and the report is sent to EC semiannually.

18. The Strategy for Judicial reform 2014-2018 and its AP contain measures for strengthening the independence, objectivity and responsibility in judiciary, professionalism, expertise and efficiency. With UNDP support, a web portal was made for monitoring the realization of the Strategy's measures. The Operating Document for corruption prevention in particularly risky areas was adopted in 2016.

19. The Adopted Law on Courts, the Law on Judicial Council (JC) and Judges, the Law on State Prosecution and the Law on Special State Prosecution introduce novelties regarding the election of judicial function holders, election criteria, professional evaluation of judges as a basis for promotion, including novelties in the disciplinary responsibility procedures. The Judicial and Prosecution Councils have appointed disciplinary prosecutors and disciplinary councils. In line with the constitutional and legal reforms, members of JC were appointed from judges and reputable lawyers.[4]

20. In accordance with the laws, by-laws have been passed, commissions for conducting testing procedures in line with new legal solutions were appointed and a single system of electing judges and state prosecutors was applied in the whole country. The 2016 Law on Trainees in Courts and State Prosecution and Judicial State Examination prescribes obligation of taking an entry examination for trainee practice in judiciary and state prosecution institutions, including changed conditions for taking and assessment of judicial state examination.

21. The Law on Center for Training in Judiciary and State Prosecution (CTJ&SP) was adopted in 2015. The Center continuously implements educational programs for the judicial functions holders. In the area of ethics and integrity, CTJ&SP organized a number of seminars and training courses within the Anti-Corruption Training Program.

22. The Law on Criminal Procedures entered into force on 26 August 2009. Its gradual implementation in the procedures for criminal acts of organized crime, corruption, terrorism and war crimes, started on 26 August 2010. The full implementation started on 1 September 2011.

23. The Strategy of Judiciary Reform includes strengthening of judicial functions holder's integrity, through integrity plans, obeying of ethical codes, and the improvement of mechanisms for checking the ownership record which the holders of judiciary functions report. These integrity principles should contribute to further development of objective, professional, ethically strong and transparent judiciary, and increased responsibility of all employees in judiciary. In line with the Annual Plan of monitoring Reports on public officials' revenues and property, in addition to members of Government and MPs, all judges and prosecutors are annually checked by the Agency.

24. The 2013 Law on Amendments of the Criminal Code prescribes a new crime "Obstruction of Justice" for which, so far, no criminal proceedings have been initiated. For the crime of "Undue Influence" there were three cases in the reporting period which have been solved. Two persons have been sentenced to imprisonment, the indictment against one person was dropped with the decision becoming enforceable, while the third case ended by being dismissed.

25. The Judges' Conference adopted a new Ethical Code in 2014 which was harmonized with the most important international and European standards of judicial ethics. The Conference of State Prosecutors adopted the Code of Prosecutor's Ethics in 2014. Both codes' are publicly available.

26. The Law on Special State Prosecution stipulates the founding of a new state prosecution within the unified State Prosecution which will be in charge of organized crime, high-level corruption, money laundering, terrorism and war crimes which is especially important in the view of a more successful fight against organized crime and corruption. The Prosecution Council defined the number of state prosecutors, including the number of state prosecutors in the Special State Prosecution Office. These are the main special prosecutor and 10 special prosecutors. After the public announcement on 6 May 2015, the Main Special Prosecutor and other special prosecutors were appointed. All cases of corruption have priority in courts' work. The Office for the Reporting of Corruption Cases in Courts operates within the Secretariat of the JC.

27. The trials are public, except in cases when the law prescribes obligatory exclusion of the public. All final and enforceable judgements are published on the appropriate courts' website within the portal www.sudovi.me.[6]

28. Numerous NGOs conduct the monitoring of judicial cases. The monitoring of courts in 2014 included basic and higher courts and the Appellate Court (trials in criminal matters related to the consistency of judicial practice). The analysis of enforceable judgements (14 Appellate Court's judgements and 21 higher courts' judgements) has shown that the verdicts are overturned mostly because of unreasonable or vaguely justified verdicts. At the same time, the research conducted with all judges showed that in over 50% of cases judges think that there is an incoherent judicial practice which represents a threat for the rule of law. In 2015, the association of judges and state prosecutors, in cooperation with the partner NGO, conducted a survey on independence and respecting the ethical codes among judges and prosecutors.

29. After the roundup of the institutional and legislative anti-corruption framework, the fulfillment of legal obligations by the subjects of law enforcement, the number of initiated offence proceedings and volume of fines increased. All laws adopted on a central level are continuously being enforced throughout the country. The courts regularly reported on the implementation of the Anti-Corruption National Plan. The statistics on the cases of corruption and organized crime were presented through the tripartite commission's semi-annual reports which provided an analysis of corruption cases (indicated the most frequent acts, the most frequent perpetrators and the obstacles for further capacity strengthening of the judiciary and the police).

30. The courts submit reports on the realization of the measures from AP23 semiannually. The reports on the corruption cases from the special jurisdiction contain the list of corruption cases, function of the perpetrator, area of concrete corruption case and the course and the outcome of the procedure. The report on corruption cases outside of the jurisdiction of the Special Department contains information on their number, cases and the outcomes including overview of types and the extent of the sanctions (over the minimum, minimal or below the minimum). Therefore, the recommendation was given to the courts to make the penal policy stricter for the corruption cases.

2. Protecting the rights of victims of crimes punishable by international law (119.13, 118.11 and 117.62)

31. The rights of the victims to truth, justice, reparation and non-recurrence is guaranteed by the Constitution.

32. All the cases of war crimes which appeared before Montenegrin courts ended up with an enforceable judgement. In one case the conviction was brought against four persons and in three cases the verdicts of abandonment were reached.

33. Educational courses were organized for judges, state prosecutors and representatives of the police, on international humanitarian law, the best international practice and regional cooperation in investigations, criminal prosecution and war crime trials. The courts made a brochure on the protection of injured parties/witnesses in war crime cases, which is available on www.sudovi.me.

34. Independent monitoring of transitional justice implementation has been made possible for NGOs and media. Numerous NGOs conduct monitoring of court cases of war crimes (they monitor trials and realize projects in this area).

35. The 2015 Law on Reparation to Victims of Crimes of Violence guarantees for all the victims of crimes punishable according to the international law the right to address the judicial institutions in order to seek reparation. From 2014 to May 2017, courts made 143

judgements by which the claims were upheld in an enforceable way and the sum of 1.511.372,00 EUR was allotted and 4.200.000 RSD (cca. 35 000 EUR). In 13 cases the claims for the damage reparation for the war crimes victims were dismissed and in 42 cases the court settlement was agreed upon by which Montenegro, the defendant in this case, is obliged to pay the petitioner the amount of 4.135.000,00 EUR for the overall material and non-material damage inflicted. All the settlements were related to the "Deportation" case. In 15 cases the petitioners withdrew their claims. 14 files were related to the case "Kaluderski Laz" and 2 of them to "Morinj" case.

36. Six files are in their pre-investigation phase (one on the crime of genocide, four on the crimes against civilians and in one case the analysis of documents enclosed by ICTY, upon the Special State Prosecution's letter rogatory for providing legal aid), while in the cases "Bukovica" and "Kaluderski laz" Special State Prosecution sent a letter rogatory for the providing of legal aid to ICTY requesting searching through a protected database in order to collect evidences for the mentioned cases. The initiated procedure is underway.

C. National laws, policies, strategies and initiatives

1. National institutions for human rights (117.1–117.7)

37. The amended Law on the Protector of Human Rights and Freedoms has rounded up the normative framework for the Protector as an institutional mechanism for the protection against discrimination and NPM. New rules on the Protector's work were established, harmonized with the amended legal provisions. A norm which stipulates special ranks – Main Protector's Advisor and Protector's Advisor in the Protector's Department - was included. To hire those persons, the Protector does not have to obtain any certificate related to secured financial assets by the minister in charge of budget. The Protector decides independently on the management of the financial assets in line with the dynamics defined by the Law on Budget. The rule books on official identification documents' form in the institution of the Protector were adopted, including on content and the way of keeping a special record of the cases of reported discrimination.

38. These changes significantly improve the financial position of employees, independence and autonomy of this institution and the employees with the mentioned ranks are leveled with those working in the Constitutional Court.

39. The amended Law on the Protector of Human Rights and Freedoms completely defines the legal framework for the protection against torture and other forms of cruel, inhuman treatment and punishment. In accordance with OP-CAT, apart from the Protector's Deputy for this area, two Protector's advisors and the members of the NPM Working Body were appointed. A Rule Book on the Institution's internal organization adapted to the amended authorities of the Protector as NPM was adopted.

40. The amended Anti-Discrimination Law has additionally improved the institution of the Protector by authorizing it to start a procedure for the protection against discrimination before the court or to appear in the case as an intervener when the party makes it probable and the Protector estimates that the defendant's action was discriminatory and that it can cause system violation of the non-discrimination principle or a specifically severe violation of a person's dignity. At the same time the Law stipulates that the burden of proof in the procedures before the Institution of the Protector is passed on to the defendant.

41. Training courses are continuously conducted on the implementation of the legal framework and informing the general public about providing protection against human rights violations and discrimination by the Protector and other judicial institutions which are recognized in the Anti-Discrimination Law, Law on Gender Equality and Law on the

Protector. The measures resulted in a great number of citizens who have addressed the Protector.

2. Human rights education and training (117.8, 117.16)

42. Human rights education and training were continuously conducted. During last 7 years the activities have been undertaken in education and the promotion of anti-discriminatory behavior and practice for all civil servants who are in any way connected with cases of discrimination. The education is conducted according to the "Curriculum for education of civil servants, judicial functions holders and employees in other institutions who come across discrimination cases". The education for employees in the institutions for social and children's welfare have also been continuously organized. The Supreme Court, in cooperation with the partner NGOs, is realizing the project for capacity building of courts in order to harmonize judicial practice with the European law in the human rights area.

43. Education programs on the implementation of the Istanbul Protocol were conducted. The Ministry of Health, in cooperation with the Institute for Public Health and public health institutions, organized education courses and training. CTJ&SP included CAT in its annual education program and organized a seminar for the judicial functions holders on the implementation of the Istanbul Protocol. A partner NGO realized a training program for the employees of the Institution for the Execution of Criminal Sanctions (IECS), for senior students of law and medical schools, medical staff and employees of other closed-type institutions for imprisoned persons. The Protocol was translated and distributed to all judges and state prosecutors, the employees of IECS, the employees of basic courts, the prosecution and all health institutions including the health care departments of closed-type institutions.

44. Within the institution of the Protector, through the projects of CoE and EU, large scale training courses were organized for the employees in the area of protection against discrimination and prevention and protection from torture, and in other areas of human rights protection. Guidelines were published for actions in the case of discrimination and the guidelines for the NPM work; information technologies for actions upon the citizens' complaints were improved; five publications were presented on the most common forms of discrimination in Montenegro. The publications contain characteristic cases of the ECHR and the EU Court of Justice practice and represent an important tool for professionals' work in national institutions for the protection against discrimination.

45. A specifically designed training was developed on international standards and norms in the work with children victims and witnesses of crimes and children participants in civil cases. International experts were hired to support defining Operation Protocols for Operative Multidisciplinary Teams for the protection against domestic violence and violence against children, which contain internationally recognized practice standards and define the universal standards of teams' activities and practice. The professionals' specialization in juvenile justice system was carried out through accredited specific training models for police, judges, prosecutors and Bar Association members. The capacities and conditions for the implementation of hearing procedures adapted to children were strengthened through the procurement of necessary audio visual equipment, apart from organizing specialized training courses in line with UN Guidelines on justice in matters related to children victims and witnesses of crimes.

D. Sector laws, policies, strategies and initiatives

1. Fight against discrimination (117.19–117.27, 117.11)

46. In line with the recommendations, the legal anti-discrimination framework was improved. Through the amendments of the Anti-Discrimination Law from 2014 its application was expanded to public and private sector; a norm dealing with hate speech was introduced and the authorities of the Protector as an institutional mechanism for the protection against discrimination were precisely specified. The amendments of the Law from 2017 introduced new grounds of discrimination (reassignment of gender and intersexual characteristics); norms were improved regulating discrimination in the access to goods, merchandise and services, upbringing, education and expert qualifications, work and employment, affiliation to a political, trade union or another organization. The Law explicitly specifies discrimination based on race, colour, nationality and ethnicity in education, work, employment, choice of profession, expert qualifications, social protection, welfare, healthcare and housing. Child discrimination has been defined, the authorities of the Protector were expanded and the penal policy was made stricter. A new article defining actions not to be regarded as discriminatory, will significantly make easier the implementation of the amended Law.

47. By the amended Law on the Protector of Human Rights and Freedoms, the Protector's authority was additionally extended to the area of proceedings in providing protection. The implementation of the rule on burden of proof has been extended to the Protector's actions. With new employees, the Institution's capacities have been strengthened and the Protector completely implements the mandate. The citizens' awareness on the Protector's role has been significantly improved and the trust in the work and effectiveness of the procedures conducted before the Protector has also been strengthened. This can be illustrated by the constant growth in the number of complaints and a stronger cooperation with the CSOs which have a feature of a party with an active legitimation. In 2016 the Protector had 81.92 % cases more from the area of discrimination compared to 2015.

48. Media campaigns on non-discrimination and the affirmation of anti-discriminatory behavior in order to raise awareness and to create an environment tolerant towards persons with disabilities, LGBT, Roma and other most often discriminated groups, are continuously being realized. An annual campaign "16 days of activism against gender-based violence", as well as campaigns and education in towns in which Roma population lives, focusing on violence against women, domestic violence and early forced marriages of RE (Roma and Egyptians) girls were conducted.

49. The regular evaluations of the implementation of the strategies' action plans in the area of human rights indicate the necessity of further awareness raising on the importance of tolerance, human rights understanding and respect for diversity.

50. The degree of discrimination in society is monitored through continuous researches. Based on the results, the policies for protecting against discrimination of the most vulnerable groups are being created. The 2015 research has shown a high degree of discrimination against persons with disabilities, LGBT population, Roma, women, minorities, persons living with HIV/AIDS and persons addicted to psychoactive substances. In 2016 special research was conducted related to the discrimination against persons with disabilities (in cooperation with UNDP). The 2017 research of citizens' perception on discrimination continuously shows a higher degree of anti-discriminatory awareness.

51. Inclusive approaches are implemented in education, primarily the child's right to grow up in the primary family and to be educated within the regular system. Children with special education needs are being dominantly included in regular schools. For each child an

individual development and educational program (IDEP) is designed. To promote non-discrimination and strengthen inclusive atmosphere in schools a program "Development of non-discriminatory school policy, culture and practice" was designed.

2. Fight against domestic violence, violence against women and children (117.30, 117.38–117.42, 117.44–117.45)

52. In order to secure a more efficient protection for victims of domestic violence a series of by-laws were adopted for implementing the Law on Protection Against Domestic Violence and the Law on Social and Child Welfare. The 2013 amended Criminal Code introduced obligatory aggravating circumstances for hate crimes and two new safety measures: a restraint order or removal from the apartment or other housing space. The data on cases of violence against women and domestic violence indicate a higher number of reported, processed and solved cases, thus confirming better Law on Protection Against Domestic Violence implementation.

53. The new Strategy for Domestic Violence Protection 2016-2020 is aimed at strengthening expert capacities and multidisciplinary approach in implementing regulations for domestic violence protection.

54. The amended Law on Free Legal Aid ensures that the victims of domestic violence defined in the Domestic Violence Protection Law can be recognized as privileged beneficiaries of a right to free legal aid, as it is the case with the victims of domestic violent crimes. The Supreme Court has detailed statistical data on criminal cases involving domestic violence. A free and single SOS helpline for victims of domestic violence was launched on 1 September 2015. In all authorized courts the departments for the support of victims/witnesses of crimes which involve human trafficking and domestic violence have been formed. Some courtrooms are equipped with modern technical equipment which can be used during the hearing in a special way. Respecting the standards related to the right on information for witnesses and victims, the Supreme Court in March 2017, in cooperation with the partner NGO, published an innovated edition of the Brochure for witnesses/victims of crimes of domestic violence and human trafficking, containing information on protection in judicial procedures and support services for victims/witnesses.

55. An Information System of Social Welfare – so-called Social Record - has been used for two years now. Within the Social Work Centers' services, a special module for domestic violence has been developed, through which the centers process all cases of reported domestic violence, regardless of the fact whether the violence was reported in the centers or the Police Directorate (PD). However, since the sectoral data collection methodologies still differ, the Social Record has a much lower number of reported cases compared to the police or courts. In order to obtain comprehensive statistical data on domestic violence cases, the inter-sectoral coordination should be strengthened so that the victims could get timely and appropriate protection through a multidisciplinary response.

56. The issues of domestic violence and violence against women are especially treated within the Protector's organization unit for the protection against discrimination, in accordance with the CoE Istanbul Convention.

57. At the national level, the initiation of the licensing process for the services' providers to the domestic violence victims is being prepared, and NGOs are expected to get gradually involved in the official system. In order to provide better education and to raise awareness, training programs have been organized for the representatives of the judiciary on access to justice for all victims of domestic violence, Istanbul Convention implementation, anti-discriminatory legislation with special focus on the obligations arising from CEDAW and Istanbul Convention.

58. The 2017 Study on violence, conducted in cooperation with UNDP, showed that 42% of women experienced some form of violence (psychological, physical, economic or sexual) from their husbands or partners. 18% of women have experienced one of these forms of violence during last year. In 38% of the cases the violence is psychological, in 20% economic, in 17% physical and in 7% of the cases sexual. Patrilineal attitudes and traditional behavior models, which are discriminatory, gender-based and stimulated by stereotypes, are still very much present with a high level of tolerance for domestic violence.

59. The research results show that key challenges in the implementation of the national legislative framework and international obligations in this area, including mild penalties, the necessity for changing the penal policy and its full implementation, rare cases of protective measures which include the removal of violent perpetrators from the living place or their imprisonment, need to be addressed in the future.

3. Fight against human trafficking (117.46–117.49)

60. The Anti-Human Trafficking Strategy 2012-2018 and its AP are being continuously implemented. The amended Criminal Code includes "luring of a child with the purpose of committing a crime against sexual freedom" as a new criminal act. Two new forms of exploiting have been introduced which are created as a result of the criminal act of Human Trafficking – "slavery and acts similar to slavery" and "illegal marriages". A provision treating irrelevance of the consent of the human trafficking victim to the intended exploiting has been introduced. The conducting of this criminal act by an officer on duty is seen as aggravated circumstance. For the criminal act of children trafficking for adoption purposes, the age limit is changed from 14 to 18. The term a "victim of crime" was defined, whereas new criminal offences are trafficking and advertising trafficking of body parts, illegal taking, keeping, transportation, import and export of human organs or body parts.

61. The amended Law on International Legal Aid enabled forming of joint investigation teams for the criminal offence of human trafficking. The Law on reparation to the victims of crimes of violence was adopted on July 1, 2015 and it will be applied on the day when Montenegro joins the EU.

62. The cases of domestic violence and human trafficking have priority in the courts' work. All cases of human trafficking which were in the court procedures were resolved through an enforceable judgement. Witness protection can be obtained outside the criminal proceeding, in compliance with the law which establishes witness protection. Witness protection from intimidation is specially regulated in a separate way of participation and hearing of the witnesses in criminal proceedings.

63. The Government fully funds the shelter for potential and actual victims of human/child trafficking. The victim is provided with initial recovery through 24 hours' assistance of the expert personnel and through the conducting of specific self-support and rehabilitation programs. A revised agreement on cooperation between the Government and NGOs in the fight against human trafficking was signed. A Coordination body for monitoring the Agreement's implementation has been formed and apart from regular sessions, it will meet in situations when a potential human trafficking victim is identified on the territory of Montenegro in order to offer timely and adequate protection and successful reintegration of the victims. Free health care through public health care institutions is provided, respecting urgency and priority principles. During the reporting period, the Shelter for human trafficking victims houses 14 potential human trafficking victims, mainly Roma and out of which 11 female minors, with the purpose of illegal marriages and working exploitation.

64. There is a significant improvement in the area of creating preconditions for qualitative reintegration, resocialization and repatriation of the human/child trafficking

victims through enabling free specialized courses for their rapid professional education, as well as through providing possibilities for their prioritized employment.

65. Sector and multi-sector education for police officers, social workers, inspecting services, prosecutors, judges, employees at the Center for Asylum Seekers, teachers, as well as for law students have been realized.

4. Civil and political rights

Freedom of opinion and expression, freedom of conscience (117.63–117.71, 118.12, 119.13, 119.14)

66. The freedom of expression and the freedom of the press guaranteed by the Constitution, are elaborated by the Law on Media, the Law on National Public Broadcaster RTCG and the Law on Electronic Media, which are continuously harmonized with the standards in the media sector.

67. Activities are undertaken in order to apply the ECHR standards more intensively in this area, to resolve the cases of assaults on journalists and their property, to secure transparency and non-discrimination in media announcements, through providing adequate legal solutions and strengthening the capacities of self-regulatory bodies. The dialogue on improving ethical standards in reporting, conducted with the support of OSCE, resulted in adoption of the revised Journalists Ethical Code in 2016. The Ethical Code has to be applied effectively and uniformly in the whole media community.

68. The area of media self-regulations is still fragmented, which does not contribute to its effectiveness. A single body which would monitor all the media in the country does not exist yet. There are Media Council for Self-regulation (MCS), Ombudsman of the "Vijesti" daily and "Monitor" weekly magazine and Ombudsman of the "Dan" daily who are currently active. MCS does not encompass all the media in the country. Since July 2017, MCS has started to solve complaints which exclusively concern its members, which made the situation in the media community much better and improved. Before that, MCS accepted complaints with regards to the daily papers "Dan" and "Vijesti" as well, i.e. the weekly magazine "Monitor", which resulted in mistrust and certain intolerance within the media community. Additionally, MCS will not act as a second instance body on complaints against the decisions of the ombudsmen of these media, either. MCS announces reports on respecting the professional and ethical standards in media.

69. In order to protect journalists from threats and violence, a system of preventive and repressive measures was introduced, carried out by the PD. A database on investigations of the assaults on journalists and media property from all authorized state institutions (State Prosecution, PD and National Security Agency) is created. Within the scope of repressive measures, everyday communication with prosecutors in charge was realized. During the reporting period, there was a reduced number of cases of violence against journalists. There are no old cases of violence against journalists in courts, all of them are concluded through final judgment (12 final judgments were passed).

70. Trainings for judicial representatives and prosecution were realized, in order to apply the ECHR practices. The Supreme Court has issued guidelines which direct to the ECHR judicial practice, but there are still challenges in their implementation. The penalties imposed to the media and journalists are generally in compliance with the ECHR judicial practice, but they should reflect the local context, especially when it comes to the amount. In the last two years, we could notice a positive trend of ECHR standards application, especially with the three-part test, the existence of defamation, announcing value or factual judgements etc.

71. NGOs organized human rights trainings for journalists – freedom of expression, presumption of innocence, privacy protection, non-discrimination, right to fair trial - which is a clear indicator of recognizing the need for comprehensive work of all the parties – Government, media and civil sector. Similar trainings and expert support of the UN (OHCHR, UNESCO) would be extremely significant.

72. A new Commission for monitoring activities of the authorized bodies in the cases of investigation of threats and violence against journalists, homicides of journalists and assault on the media property was formed in 2016. With the new composition and structure, participation of representatives of the internal control of the Ministry of Internal Affairs (MIA), the Prosecution Council and greater representation of the civil society, the Commission's work was improved. The Committee adopts reports on individual cases for which it had already appointed individual rapporteurs. Every single report contains analysis of the submitted documentation by the authorized institutions on these cases, as well as conclusions and recommendations.

73. Regardless of the achieved limited progress, it is necessary to implement activities aimed at the creation of environment in which freedom of opinion and expression, freedom of conscience will be fully respected. It is necessary to work on achieving full compliance with the ECHR practice, resolving remaining 16 cases of assault and threats against journalists (out of which 8 are not qualified by the Prosecution), providing transparency and non-discrimination in media announcements, through obtaining adequate legal solutions and strengthening the capacities of self-regulatory bodies.

74. Adopting the Law Proposal on Freedom of Religion is planned for the end of 2017. It is expected that the law will regulate the relations between the state and religious communities in compliance with European standards in the best possible way.

Property rights (119.15)

75. In order to solve the cases of property restitution for churches and religious communities, passing of the Law on Property Restitution to Religious Communities is planned. An analysis of law-drafting is underway. Upon passing the law, the analysis and treatment of claims for restitution of confiscated property rights will be conducted.

Birth registration and reduction of statelessness (117.32, 117.94–95, 119.5, 119.10, 119.11)

76. The amended Law on extra-judicial proceedings simplified the procedure for birth registration of individuals born outside health care institution. The Law, prepared in cooperation with the UNHCR and UNICEF, prescribes the procedure of determining the time and place of birth, to regulate the status of the persons who are not registered into birth registers and persons born outside the health care institutions. This procedure should be initiated with a request of the person who was not registered in birth registers or with a request of anyone with an immediate legal interest or guardians. To make exercising of this right easier, it is anticipated that every entitled court is locally authorized. The first-instance court should submit a final judgement on the time and place of birth to the authority responsible for keeping the birth register within 8 days from the date of validity, for registering the birth fact into birth register and the proposer is exempt from payment of fees and other costs of the proceedings.

77. For individuals born in health care institutions, the procedure for subsequent registering is still started with the local units and branch offices of the MIA.

78. Continuous measures for awareness raising on the necessity of birth registration have been undertaken when it is not done immediately upon birth, for reducing the number of such cases. These measures include everyday contacts of the police officers with citizens

aimed at informing on the steps for recording the birth fact and distribution of the thematic leaflets in all maternity wards and other relevant places.

79. At the same time, there is a subsequent procedure of birth registration for those residing in Montenegro. Through the free legal aid program carried out by the UNHCR and partner NGOs, 876 procedures have been initiated (786 procedures for refugees from the former SFRY territory and 90 for other persons). 544 procedures were finished successfully.

80. Challenges related to birth registration can be found only with the children abandoned by mothers upon the birth (primarily present with RE population). Each case is a subject of a special analysis and the municipal SWC (Social Welfare Centre) will be in the future more involved in registering such individuals. The activities on the identification and assisting individuals without citizenship, primarily in RE settlements, which included distribution of multilingual leaflets on the importance of the documentation, will be continued.

81. Montenegro is working on establishing the mechanism for determining statelessness and acknowledging the status of individuals without citizenship, so that the individuals who are eligible to obtain the status of individual without citizenship can be enabled to exercise the rights in accordance with the ratified conventions. Measures have been undertaken to register individuals living in Montenegro, and not having the citizenship of any country. Based upon the public invitation to the individuals residing in Montenegro, and not having citizenship of any country or who cannot prove that they have the citizenship, 486 such individuals were registered.

82. The analysis of the public invitation results, conducted in cooperation with the UNHCR in September 2015, showed that only 7 individuals out of 486 registered ones, in compliance with the submitted data and collected evidence, are individuals without citizenship, whereas others are not stateless, but persons who did not use the rights to obtain the citizenship per the citizenship of their parents and obtain the citizenship of parents' origin (in the meantime 98 individuals obtained Montenegrin citizenship, 140 obtained the citizenship of another country, 17 individuals returned to Kosovo, 67 individuals do not reside in Montenegro, 3 individuals deceased, 10 individuals replied to the public invitations twice). Out of 144 individuals without the status, 86 submitted requests for regulating the status in Montenegro, whereas 58 individuals are children born in Montenegro for whom the request was not submitted to the authorized bodies of Montenegro or the parents' country of origin for regulating the status, although they were informed about the necessity of solving the status on numerous occasions.

83. Despite the efforts of the MIA, NGO and UNHCR on raising awareness of the importance of obtaining personal identification, the statistical indicators of the public invitation and experience in the work with these individuals show there are still individuals who are not aware enough of the importance of this issue, and that the list of persons with this problem, drawn during the Public invitation is not final. Therefore, the activities will be continued on emphasizing the importance of delivering the children within the health care framework, the obligation of their birth registration in Montenegro or the country of origin and support programs existing in Montenegro for these persons.

5. Individual rights

Women (117.29, 117.81, 118.6, 118.7)

84. The Amended Law on the Election of MPs and Councilors defines a gender balance of the election lists. As a result, the 2016 parliamentary elections increased the number of women in the Parliament from 18.5% to 23.46%. After the local elections in 14

municipalities, women were present in local parliaments with 26.52%. Podgorica, the capital of Montenegro experienced the growth from 17% to 32%.

85. The 2015 Law on Amendments of the Law on Gender Equality additionally improved the achieving of the gender equality principle. It prescribes that political parties amend their documents to increase women participation at decision making positions. *NPAGE* 2017-2021 sets up a benchmark for 40% of women in Parliament.

86. Within the Program for supporting anti-discriminatory and gender equality policies, in cooperation with UNDP and the EU Delegation, activities for female entrepreneurship promotion on the local level have been continuously undertaken. The program is conducted through an individual access to all program attendees and continuous consultations related to business running. The Women's Entrepreneurship Portal was established, enabling the linking of women's businesses with the target market and online sales. The Government's Investment and Development Fund launched three credit lines for women in business, giving support to the founding of small and medium size women's businesses. The biggest challenge which women who wish to start their own business still face is the lack of assets as a collateral for loan taking.

87. The Family Law defines special and joint property of spouses. The joint property consists of the property acquired by spouses during their marriage and revenues from this property. If spouses cannot reach an agreement for dividing property, the property of spouses is equally shared.

88. The institutional gender equality protection has been additionally strengthened by passing the Gender Equality Law, which was harmonized with the Anti-Discrimination Law and ensured transfer upon the gender-based complaints from MH&MR to the Protector's jurisdiction. Also a high quality cooperation has been established between the Protector and CSOs for women's rights.

Children (117.12–117.15, 117.17–117.18, 117.50–117.51, 118.2–118.5, 118.10, 119.9)

89. The legislative and strategic framework for the protection of the rights of the child was improved together with the international standards' implementation. Montenegro made significant progress in integrating policies related to the rights of the child in different society segments.

90. The Child Rights Council has been established, the act on the Council's authorities was passed and the participation of NGOs and children in the Council's activity was ensured. The Council considers the draft documents related to child rights protection and reports on their realization. The Protector's role in child rights protection was strengthened, and the protection of these rights is carried out in a special organization unit.

91. Within the NPAC 2013-2017, activities for achieving defined goals related to eradication and a better protection of children from sexual exploitation, sexual abuse and child pornography and to imposing criminal sanctions for the perpetrators were realized. The process of defining new NPAC 2018-2022 is underway.

92. The promotion of children's rights is carried out through continuous campaigns for awareness raising, media promotions, training programs and curricula. The number of children with disabilities who attend regular schools in 2016/17 is more than twice higher compared to 2013/14. The number of children in social welfare institutions decreased by 69% in 2010-2016. Starting from 2011, the overall number of children in foster families has grown by 19%, more than three times in kinship foster care. A comprehensive campaign for the elimination of violence, abuse and neglecting of children is underway. Education programs have been realized as well as preventive programs with the aim of eradication of

children's sexual exploiting and cyber security. 36 judgements were pronounced on children's sexual abuse crimes in 2011-2015.

93. The Family Law is harmonized with relevant international documents dealing with family matters. By amending the Criminal Code, additional harmonization with the Lanzarote Convention on the protection of children from sexual exploiting and sexual abuse was made.

94. The Act on Treatment of Juveniles in Criminal Proceedings was significantly harmonized with international standards. The programs for the rehabilitation and reintegration of children in conflict with the law residing in the semi-open or closed-type institutions were significantly improved through the initiative "Justice for Children" aimed at the juvenile justice reform.

95. In accordance with the Law on Health Care and Health Insurance, all children have access to free health care services whether they have a health care record or not and regardless of their immigration status.

96. All children have a right to education, regardless of their status. The number of children with disabilities and Roma children enrolled in the obligatory education system is increasing. The Law on Asylum guarantees the asylum seekers a right to have free elementary and secondary education in public schools.

97. A lot of children with special educational needs are enrolled in regular schools. The professionals in resource centers are hired to support regular education of children with disabilities. A monitoring system was established in the only remaining institution for children without parental care.

98. The Strategy for the Prevention and Protection of Children from Violence 2017-2021 was adopted. The explicit prohibition of corporal punishment was recognized earlier as it is the case with the prohibition of punishment in social welfare institutions. The amended Family Law prescribes the prohibition of corporal punishment of children or any other cruel, inhuman or degrading treatment or punishment in family environment. The prohibition relates to parents, foster parents and others taking care of a child or being in contact with him or her.

99. The Criminal Code has been changed in the part which deals with articles 2 and 3 of OP-CRC-SC in such a way that criminalized acts contained in this OP[7].

100. The Criminal Code is harmonized with the international standards in the area of cyber crime and child pornography. The crimes which include showing pornographic material to children and producing and possessing of child pornography were amended in line with international standards to provide better children's protection.

101. The Protector has been achieving a continuous progress in the area of children's rights protection. In cooperation with the "Network of Golden Counselors", the brochure on the CRC was published in a language understandable for children. Through the established "Brave Mailbox" or through blog, Facebook, mail, children can directly address the Protector and report abuses on Internet and inappropriate contents for children. In the period 2015–2016, the number of complaints in the area of the rights of children and youth increased.

102. The civil sector provides continuous contribution to the protection of children's rights through participation in consultancy processes for drafting strategic documents and in the work of the Council, undertaking campaigns for the public awareness raising of children's rights, conducting of investigations, defining the procedures related to the protection of children's rights, organization of workshops, meetings of children's parliaments etc.

Persons with disabilities (117.72–77)

103. In 2015, the Law on Anti-Discrimination of Persons with Disabilities was adopted, which guarantees non-discrimination of persons with disabilities by upholding the principles of equity, tolerance and equality. The Law is completely harmonized with the CRPD. Based on the results of the analysis of legislation compliance with CRPD and the adopted Law, covering around 60 laws, the recommendations were given for harmonizing 34 laws.

104. The implementation of the Strategy for the integration of persons with disabilities 2008-2016 improved the position of persons with disabilities and the process of establishing broadest legal framework for defining policy for those persons, in line with the social model of disability access. By adoption of the Strategy for the integration of persons with disabilities 2016-2020 and the Strategy for protecting persons with disability against discrimination and for promoting equality 2017-2021 with the accompanying APs, a strategic framework for strengthening inclusion and creating conditions for the achievement of full equality and protection against discrimination in line with the CRPD, the Constitution and the Law, was defined.

105. The representatives of NGOs dealing with the rights of persons with disabilities regularly participate in all working groups for drafting legal or strategic documents and annual reports on the Strategy's implementation.

106. Through the "pilot project" partially sighted and blind people have been provided with necessary conditions, including the legislation framework, to independently and without any help exercise their voting rights.

107. Concerning the accessibility, the Law on Spatial Planning and Construction defined that in the complete procedure of construction – designing, building and supervision - special attention should be given to the conditions for accessing and movement of persons with disabilities. In line with the AP for the realization of the previous Strategy for the Integration of Persons with Disabilities 2008-2016, 8 public buildings have been adjusted for the use of people with reduced mobility. In 2017 the adaptation of the remaining 5 buildings has been planned. The priority buildings are defined through cooperation of the state, local and NGO sectors. The main challenge in adapting the public administration buildings is a lack of financial resources, which could pose a risk to the implementation of the strategic documents defining the adaptation goals.

108. Regarding economic empowerment, the Employment Agency is realizing public activities in which the primary participants are those who cannot easily find a job, including persons with disabilities. Programs of professional rehabilitation and employment of persons with disabilities are being realized.

109. In 2015-2017 public invitations were organized for the submission of project proposals for professional rehabilitation, active employment policy and employment of persons with disabilities, in the overall amount of 6,500,000.00 €. Measures for the employment of persons with disabilities stipulated in the Strategy for employment and human resource development are being implemented.

110. The information of interest for disabled persons and the services provided in local communities is disseminated through the authorized institution's website and sites www.disabilityinfo.me and www.inkluzija.me. The Ministry of Public Administration prepared the Guidelines for creating electronic documents in accordance with the e-accessibility standards. In 2016 a Google map showing accessible buildings and public areas for the movement of persons with disabilities in all Montenegrin municipalities was posted on the partner NGO's website.

111. The Protector continuously acts upon the complaints of persons with disabilities. Successful cooperation with NGOs dealing with the protection of the rights of these persons was made, while continuous support was provided in ensuring exercising and improving their human rights and freedoms.

112. Regarding education, IDEP has been modernized (per education levels) as a compilation of a child's characteristics, needs and goals for the curriculum and concrete activities/methods have been pointed by which the set developmental and education goals are achieved. The children with disabilities are admitted free of charge in pre-school institutions. Networks for supporting inclusive educations have been created in general secondary education. The Law on Higher Education prescribes the organization of classes in accordance with the needs of persons with disabilities, conditions for assessment, exemption from the payment of school fees, the principle of affirmative action for college education, free of charge student accommodation facilities.

Minorities and Roma (117.78–88)

113. The strategy on minority policy 2008-2018 is the basic document for all activities which have a goal to improve, protect and to better integrate minorities.

114. The systemic laws in the education area have a goal to integrate and to preserve minorities' identity. The members of minorities and other minor national communities have a right to education in their mother tongue on all the education levels.[8]

115. The Law on Criminal Proceedings and the Law on Civil Procedures clearly prescribe official use of minority language in the criminal and civil proceedings in courts on the territory with significant portion of the minorities' population.[9] The Law on Minority Rights and Freedoms was amended in 2017 with the aim of improving the work and strengthening institutions dealing with the rights of the members of minorities and other minority national communities.

116. In 2016, the Strategy for RE Social Inclusion of 2016-2020 was adopted, followed by the annual APs and implementation reports. The evaluation results of the previous strategic document showed visible results in the area of regulation of legal status, education, social welfare and health protection, housing, culture, identity and information. The problems that Roma and Egyptians displaced from Kosovo are facing have been addressed in this Strategy, as well as in the Strategy for the permanent solution of the issues of DPs/ IDPs residing in Montenegro, with special emphasis on Konik Camp 2017-2019.

117. Greater attention has been given to Roma inclusion into pre-school education, further strengthening of wider teaching competencies which lead to quality, exchange of good practices, cooperation within the educational process and its intercultural dimension for facilitating access to studying for RE children. A campaign has been conducted for enrolling RE children in elementary schools while scholarships for all RE high and college students have been provided.[10]

118. The members of RE population (who are IDPs or foreigners with permanent or temporary residence) receive health services as other health care system beneficiaries. In cooperation with Montenegrin Red Cross and UNICEF, in 2015-2017 activities were realized to raise awareness and to provide the access to RE population to the service of social and children's welfare in 7 municipalities.

119. The amended Law on Minority Rights and Freedoms introduced the main directions for the reform of the Fund for Minorities (FfM) in order to prevent a possible conflict of interests and the introduction of two-instance system for the decision making on the projects financed from the Fund. The FfM and the Center for Preservation and Development of Minority Cultures each year secure the funds for promoting minority rights

through projects, especially for the preservation and development of culture, education and information in their languages.

120. The Fund is financed from Montenegrin budget (at least 0.15% of the current budget) and other sources, in accordance with the law. The institutions of the Fund are the Management Board and Director[11].

121. The Councils of minorities or other minority national community decide on the budget, the statute, annual agenda and rules of procedure. Funds for the mentioned Council are secured in the budget of Montenegro (at least 0.05% of the current budget). The monitoring over the lawfulness of their work is the responsibility of the authorized Ministry and the Parliament's working body.

122. It has been observed that the national councils tend not to file complaints to the Protector, because of the violation of the right to equality or other guaranteed right of the members of minority community.

Refugees, displaced and IDPs (117.86, 117.89–96)

123. Amendments to the Law on Foreigners extended the deadline for submitting a request for regulating the status for the third time, by the end of 2014, so that all DPs from Bosnia and Herzegovina and Croatia and IDPs from Kosovo can apply for the status of a foreigner with a permanent or temporary residence in Montenegro.

124. In the period between November 2009 and September 2017, DPs and IDPs submitted the total of 14,606 applications for approving the permanent stay or temporary residence up to three years. Out of that number, 14,109 applications have been solved, whereas 497 applications are underway. Apart from that, 1,064 DPs from the territory of former SFRY obtained the Montenegrin citizenship, while 3 applications were processed.

125. By the end of 2013, twenty visits to Kosovo and one visit to Serbia were organized in order to enable that particularly vulnerable DPs obtain documents necessary for the regulation of their legal status in Montenegro. During 2014, the implementation of the Agreement between Montenegro and Republic of Kosovo started on additional recording into birth registers of Kosovo for IDPs living in Montenegro. Based on that agreement, mobile teams of MIA of Kosovo were in Montenegro 13 times in order to interview interested persons and help them obtain necessary documents from Kosovo.

126. Through cooperation between the MIAs of Montenegro and Kosovo, 1300 identified individuals were in need for help in obtaining documents from Kosovo. Out of this number, 1050 were provided with documents for completing applications for the status of a foreigner. The remaining most complicated cases (around 280 persons) will be the subject of further cooperation of two Ministries during 2017.

127. Through the Regional Housing Program for Montenegro, funds were provided for resolving housing issues for 6,063 individuals (1,177 households) belonging to the most vulnerable categories (persons placed in informal collective centers and vulnerable persons in private accommodation, with particular emphasis on Konik Camp). By realizating the total of 5 sub-projects, 62 housing units were built in Niksic, whereas the building of 94 housing units in Berane, 171 housing units in the Camp Konik in Podgorica and Retirement Home in Pljevlja is ongoing. Two additional projects have been approved for purchasing flats in Herceg Novi for 36 vulnerable families and the construction of 50 small houses across Montenegro for individuals who own the land and building licenses.

LGBT persons (117.33–37, 118.8)

128. The amendments of the Anti-Discrimination Law from 2014 and 2017 emphasized a form of discrimination based on sexual orientation and gender identity and introduced a

new basis of discrimination, gender change and inter-sexual characteristics. Penalty policies become much stricter, thus strengthening protection.

129. The amended Criminal Code from 2013 in Article 443 (racial hatred or racial discrimination) prohibited promotion of racial hatred or intolerance and encouragement of racial or other discrimination based on gender, disability, sexual orientation, gender identity or any other personal characteristics. The amended Criminal Code improved the legal protection of the LGBT persons, thus committing a hate crime based on sexual orientation or gender identity will be taken as aggravating circumstance for determining the punishment.

130. The Strategy for improving the quality of life of LGBT, with annual APs, comprises a set of measures in the area of human rights of LGBT, education, culture and security, law enforcement, health care protection, media, sport, economic growth, tourism and international politics. In the process of preparing the Strategy's AP, a consultative process with relevant NGOs and state institutions was undertaken upon which the measures for improving the legal and social status of the LGBT are created. NGOs have been consulted during the conceptual design and defining the visual identity of all realized media campaigns.

131. In 2017 drafting a Law on registered partnership to enable significantly greater volume of rights for LGBT couples started. There are continuous activities on strengthening capacities and promoting anti-discriminatory behaviour through carrying out seminars/workshops and trainings for civil servants, representatives of the judicial bodies, local authorities, police, inspection services and others in charge of providing protection against discrimination. The educational courses for media representatives on sensible approach in reporting on the LGBT population, and on the necessity of breaking the gender prejudices and stereotypes in all public media were also realized. Educational courses were also organized for the representatives of national institutions, media, NGOs and institutions of the Protector in order to regulate legal issues of the same sex communities. Media campaigns on non-discrimination and affirmation of anti-discriminatory behaviour are being continuously realized. With the support of the UNDP, a safety informative brochure for LGBT population and police officers was published aiming to better protect the LGBT rights.

132. The amended Anti-Discrimination Law introduced the obligations of: the police, state prosecution, courts, misdemeanor institutions and inspection institutions to keep a special record of all the cases of reported discrimination and to submit it to the Protector. Compared to the cases of violence against LGBT persons, MH&MR gathers information each year on all cases of reported violence or discrimination and prepares a report.

133. The institution of the Protector secures a qualitative and continuous cooperation with CSOs which promote and protect the rights of the LGBT population. As a result, an educational course on the issue of hate speech suppression was organized.[12]

IV. Priorities, initiatives and commitments in addressing challenges in the implementation of recommendations and strengthening of human rights protection[13]

134. In the forthcoming period the activities will be intensified for overcoming challenges in the implementation of international legal norms by strengthening the efficiency of the national institutional framework for the full implementation of legislation and stronger prevention of human rights violations and abuses. Measures will be taken for creating tolerant and anti-discriminatory environment that will enable unhindered exercising of

rights and freedoms, especially the freedom of expression, freedom of opinion, conscience and religion, gender equality and the rights of vulnerable groups. To this end, stronger engagement of the civil sector and the strengthening of national dialogue on human rights must be ensured. In this context, education and training courses will be realized with a particular emphasis on their effectiveness.

135. The future Strategy for improving the quality of life of LGBT 2019-2024, focusing on the outing process of LGBT persons and the key role of the family in it, will promote and contribute to the implementation of the Law on Registered Partnerships to be adopted by the end of 2018.

136. The challenges in the area of equal opportunities policy are full economic and political empowerment of women, combating violence and stereotypes on traditional women's role. Towards integration and implementation of the fundamental principles of gender equality, the financial and expert capacities will be strengthened, while an active cooperation and participatory approach of all stakeholders will be fostered. In order to eradicate gender stereotypes and prejudices, public debates should be organized to raise awareness on the issues of gender equality.

137. In line with the Strategy for Prevention and Protection of Children against Violence 2017-2021, the legislative and institutional framework for children's protection against all forms of violence will be strengthened through a multisector approach. Particular focus will be given to changing social norms that accept, forgive or ignore violence, as well as to establishing a system for monitoring, evaluation and research.

Notes

[1] National human rights reports submitted within two UPR cycles (A/HRC/WG.6/3/MNE/1 and A/HRC/WG.6/15/MNE/1).

[2] International Committee of National Human Rights Promotion and Protection Institutions (https://nhri.ohchr.org/EN/Documents/Status%20Accreditation%20Chart%20.pdf).

[3] See 2015 Mid-Term Report, Sect. 1.1.

[4] Ibid., Sect. 2.1.

[5] Ibid., Sect. 2.1.

[6] Ibid.

[7] Ibid., Sect. 4.5.2.

[8] Ibid., Sect. 4.5.4.

[9] Ibid.

[10] Ibid.

[11] Ibid.

[12] The realization of these activities will contribute to establishing better relationships between decision makers on different levels and LGBT persons, as well as to strengthening trust in the institutions authorized to prevent and process hate speech.

[13] The progress presented herein and the clearly recognized challenges and obligations undertaken to enhance further the system of human rights protection and promotion confirm the unequivocal commitment of Montenegro to the values of democracy and principles enshrined in the UN Charter, Universal Declaration and international human rights instruments.

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Compilation on Montenegro

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1–2]

2. As regards the relevant recommendation from the second cycle of the universal periodic review,[3] several Committees welcomed the ratification by Montenegro of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure,[4] the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights[5] and the Convention on the Reduction of Statelessness.[6]

3. As regards the relevant recommendation from the second cycle of the universal periodic review,[7] the Committee against Torture and the Committee on the Elimination of Discrimination against Women welcomed the ratification by Montenegro of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.[8]

4. As regards the relevant recommendations from the second cycle of the universal periodic review,[9] the Committee on the Elimination of Discrimination against Women, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination and the Committee against Torture encouraged Montenegro to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.[10]

5. The Committee on the Rights of Persons with Disabilities encouraged Montenegro to ratify and implement as soon as possible the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.[11]

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6. Montenegro submitted a mid-term review on the follow-up to the recommendations made during the second cycle of the universal periodic review held in 2013.[12]

7. Montenegro contributed financially to the Office of the United Nations High Commissioner for Human Rights (OHCHR) in 2013 and 2016.[13]

III. National human rights framework[14]

8. While noting the adoption, in 2014, of the Law on Amendments to the Law on the Protector of Human Rights and Freedoms of Montenegro, four Committees expressed concern at the institution's reported lack of capacity to implement its broad mandate in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). They recommended that Montenegro strengthen the institution in accordance with the Paris Principles and provide it with adequate human and financial resources, considering, in particular, its role as the national preventive mechanism against torture and the institutional protective mechanism against discrimination.[15]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[16]

9. The Committee on the Elimination of Discrimination against Women welcomed the different educational measures taken by Montenegro to counter sexist stereotypes, but was concerned that patriarchal attitudes regarding the roles of women and men continued to be deeply entrenched within society, and recommended that a comprehensive strategy to eliminate them be put in place.[17]

10. The Committee against Torture and the Committee on Economic, Social and Cultural Rights noted positive legislative developments in the field of non-discrimination, but were concerned that members of ethnic minorities, in particular persons of Roma, Ashkali and Egyptian origin and those of other marginalized groups, continued to face discrimination.[18]

11. While noting various legislative and administrative measures that had been adopted to protect the rights of lesbian, gay, bisexual and transgender persons, the Committee against Torture, the Human Rights Committee and the Committee on the Elimination of Discrimination against Women remained concerned at continuing reports of violence and discrimination against such persons, and recommended that Montenegro intensify its efforts to combat stereotypes and prejudice against them.[19] The Committee on the Elimination of Discrimination against Women was concerned about the legal requirement for transgender persons to undergo a surgical intervention in order to obtain legal recognition, and recommended removing such a requirement.[20]

B. Civil and political rights

1. Right to life, liberty and security of person[21]

12. The Committee against Torture recommended that Montenegro adopt a definition of torture covering all the elements contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and ensure that penalties for torture were commensurate with the gravity of that crime, that the absolute prohibition of torture was non-derogable and that acts amounting to torture were not subject to any statute of limitations.[22]

13. The Working Group on Enforced or Involuntary Disappearances and the Committee on Enforced Disappearances recommended that Montenegro establish enforced disappearance as a separate offence with the appropriate penalties.[23]

14. The Committee on Enforced Disappearances welcomed the amendment of the Code of Criminal Procedure, which stipulated that persons deprived of their liberty were entitled to have a person of their choice "immediately" informed of their situation. Nevertheless, it echoed the concerns expressed by the Committee against Torture that, in practice, persons deprived of their liberty were not systematically afforded all the fundamental legal safeguards from the very outset of their deprivation of liberty.[24]

15. The Committee against Torture remained concerned at consistent reports about physical ill-treatment of detainees by the police during questioning. It recommended that Montenegro ensure that allegations of torture, ill-treatment or excessive use of force by the police were promptly, impartially and effectively investigated by an independent body and that persons under investigation were immediately suspended from their duties and remained so throughout the investigation.[25] The Committee also recommended that Montenegro intensify its efforts to provide human rights training programmes for all officials involved in the custody, interrogation or treatment of individuals subject to any form of arrest, detention or imprisonment.[26]

16. While noting the commitment of Montenegro to improve conditions of detention, the Committee against Torture remained concerned at the conditions in detention facilities, such as overcrowding, inadequate access to health care and the lack of meaningful activities and rehabilitation programmes.[27] The Committee on the Elimination of Discrimination against Women noted with concern that there was only one prison for women in Montenegro, where women in pretrial detention were not separated from convicted women, and that the long distances to the prison deprived many incarcerated women of regular contact with their children or other members of their family.[28]

17. The Committee on the Rights of Persons with Disabilities noted with concern that the current approach to disability, which was based on a medical model, provided for the involuntary hospitalization and forced institutionalization of persons with intellectual and/or psychosocial disabilities and that, according to the Law on the Protection and Exercise of the Rights of the Mentally Ill, police officers were obliged to deprive a person of liberty based only on the suspicion of "mental illness".[29]

18. The Committee against Torture and the Human Rights Committee recommended that Montenegro ensure that all acts of violence against lesbian, gay, bisexual and transgender persons were promptly, effectively and impartially investigated and prosecuted, that perpetrators were brought to justice and that victims were provided with redress.[30]

2. Administration of justice, including impunity, and the rule of law[31]

19. The United Nations country team noted the progress of Montenegro regarding the legislative and policy measures that it had taken to strengthen the independence, impartiality and efficiency of the judiciary. It observed that the greatest challenge was the effective implementation of legislation and called for continuous investment in strengthening the professional capacity of judicial officials. It also referred to the limited effectiveness of existing disciplinary mechanisms for judges and prosecutors.[32]

20. The Committee against Torture recommended that Montenegro intensify its efforts to ensure appropriate access to the legal system for vulnerable persons and groups, in particular, by providing adequate resources for the effective implementation of the Law on Legal Aid and extending the application of free legal assistance to include administrative proceedings.[33]

21. The Committee on the Elimination of Racial Discrimination was concerned about the small number of cases of racial discrimination before the courts and the low number of convictions in such cases. It recommended that Montenegro conduct broad awareness-raising campaigns on how to report and bring before the courts such cases and strengthen the training of judges, prosecutors, lawyers and police officers on how to identify and sanction racially motivated offences.[34]

22. The Committee on Enforced Disappearances observed that the fate and whereabouts of 61 of the 72 individuals reported missing in Montenegro as a result of the conflict in the former Yugoslavia remained unknown, and noted with satisfaction the establishment of a new commission on missing persons, in 2015. It recommended that Montenegro enhance its cooperation with other parties in the region, including through cooperation agreements with other commissions on missing persons, in order to urgently speed up the identification process.[35]

23. The Working Group on Enforced or Involuntary Disappearances noted that most of the perpetrators of war crimes continued to enjoy impunity and that there had not been any convictions in recent years. It noted with concern that no one had been convicted on the basis of command responsibility and that, of the few direct perpetrators who had been convicted, some had received sentences shorter than the statutory minimum, based on mitigating factors that would not merit such treatment in the practice of the International Tribunal for the Former Yugoslavia.[36] The Committee on Enforced Disappearances welcomed the establishment of specialized bodies to investigate and prosecute war crimes, including a new special prosecutor's office and a special department for war crimes that had been established within the Higher Court of Podgorica. It recommended that Montenegro provide them with adequate training and sufficient personnel and technical and financial resources.[37]

24. The Committee against Torture expressed concern that the majority of victims of war crimes had yet to be afforded the right to reparation.[38]

3. Fundamental freedoms and the right to participate in public and political life[39]

25. The Committee on the Elimination of Discrimination against Women welcomed the adoption of amendments to the Electoral Law (2014), which improved women's political participation.[40] It nevertheless noted with concern that women continued to be underrepresented in public and political life, and recommended that Montenegro create an enabling environment for women's participation and review the quota of 30 per cent in the Electoral Law to ensure that, in each group of three candidates, at least one candidate was a woman in the electoral lists.[41] The United Nations country team made similar recommendations.[42]

26. The Committee on the Rights of Persons with Disabilities noted that persons whose legal capacity was restricted were deprived of the right to vote and the right to stand for election and that certain physical and information barriers remained in the voting process, and recommended amending the Electoral Law and the rules of procedures in that regard.[43]

27. The Committee on the Elimination of Discrimination against Women was concerned about the recent adoption of restrictive legislation on the financing of non-governmental organizations, which hampered their establishment and activities, and recommended that it be amended.[44]

28. The Human Rights Committee and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression were concerned by multiple reports of intimidation and violence against journalists and media outlets, in particular against those investigating issues such as organized crime or alleged links between organized crime and the authorities. They recommended that Montenegro investigate all such cases and bring those responsible to justice.[45]

29. The Special Rapporteur on freedom of expression observed that, although libel and defamation had been decriminalized, the fines levied by courts were still high on occasion, and civil defamation lawsuits seemed to disproportionately target some sectors of the media considered to be critical of the authorities.[46] He was also very disturbed by reports on the use of inflammatory statements by some authorities and political leaders against journalists and the media that had been critical of them, and recommended that the authorities should value the work of investigative journalists in their statements and refrain from attacking them.[47]

30. The Special Rapporteur on freedom of expression noted that attempts by the lesbian, gay, bisexual and transgender community to conduct peaceful demonstrations had met with

violence, and recommended that Montenegro fully implement national norms regarding the prohibition of discrimination on all grounds and investigate acts of aggression against the lesbian, gay, bisexual and transgender community.[49]

31. The Committee on Enforced Disappearances commended Montenegro on the entry into force of the Law on Free Access to Information, in 2013.[50] The Special Rapporteur on freedom of expression recommended that Montenegro secure adequate financial and human resources for the Law's supervisory body so that it could fully implement its mandate with autonomy and independence.[51]

4. Prohibition of all forms of slavery[52]

32. The Human Rights Committee, the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women noted the measures taken by Montenegro to combat trafficking in persons, but remained concerned at the low number of prosecutions of and the lenient sentences imposed on traffickers.[53]

33. The Human Rights Committee recommended that Montenegro vigorously pursue its public policy to combat trafficking, in particular of Roma, Ashkali and Egyptian girls and women, including at the regional level and in cooperation with neighbouring countries; train its police officers, border personnel, judges, lawyers and other relevant personnel; and ensure that all individuals responsible for trafficking in persons were prosecuted and punished.[54] The Committee on the Elimination of Discrimination against Women recommended that Montenegro ensure that all victims of trafficking had free and immediate access to shelters, medical care, psychosocial counselling, legal assistance and specialized rehabilitation services, as well as temporary residence permits, irrespective of their willingness or ability to cooperate with the prosecution authorities.[55]

5. Right to privacy and family life[56]

34. The Committee on the Rights of Persons with Disabilities noted with grave concern that national legislation restricted the right of persons with disabilities under guardianship to marry as well as their parental rights, and recommended that Montenegro speedily harmonize its legislation with the Convention on the Rights of Persons with Disabilities.[57]

35. The Committee on the Elimination of Discrimination against Women, the Committee on Economic, Social and Cultural Rights and the Human Rights Committee were concerned at the persistence of child and/or forced marriages within the Roma, Ashkali and Egyptian communities. They recommended that Montenegro raise awareness of the prohibition and the harmful impact of those practices and strictly enforce the prohibition of forced cohabitation or child and/or forced marriage, in particular in cases of further sexual exploitation of the victim.[58]

36. The Committee on the Elimination of Discrimination against Women noted with concern that judges rarely took domestic violence against the mother into account when deciding child custody cases. It recommended that Montenegro implement adequate mandatory training of judicial officials in that regard and ensure the systematic exchange of information between the competent misdemeanour courts and family courts on existing or past protection measures.[59]

37. The same Committee recommended that Montenegro revise the definition of matrimonial property, so that marital rights would include pension rights and other work-related benefits. It also recommended that Montenegro abolish the possibility of unequal distribution of joint property upon the dissolution of marriage and any requirement for women to prove their contribution to the joint property regime, and guarantee that women living in de facto relationships had economic protection.[60]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[41]

38. While noting the measures taken to combat unemployment, the Committee on Economic, Social and Cultural Rights remained concerned at the high rate of unemployment, particularly among young people and in the northern region. It recommended that Montenegro implement an effective employment policy that included retraining, local employment initiatives, the granting of loans to promote entrepreneurship and placement initiatives.[42]

39. The Committee on the Elimination of Racial Discrimination was concerned at the high rate of unemployment of persons of Roma, Ashkali and Egyptian origin, owing to their lack of qualifications and high levels of illiteracy, but also to direct and indirect discrimination. It recommended that Montenegro strengthen efforts to increase the employability of those persons through adult literacy and vocational training programmes, and enhance affirmative action.[43] The United Nations country team made similar recommendations.[44]

40. The Committee on the Elimination of Discrimination against Women noted with concern the disproportionately high unemployment rate among women, in particular women belonging to minority groups. It recommended that Montenegro create more opportunities for women to access formal employment; adopt measures to close the gender wage gap; develop a confidential system for filing complaints related to sex- or gender-based discrimination in employment; and promote the equal sharing of domestic and family responsibilities between men and women.[45]

41. The Committee on the Rights of Persons with Disabilities recommended that Montenegro further promote the employment of persons with disabilities, with a particular emphasis on women, in close consultation with them and their organizations. It also recommended that Montenegro introduce legislation for sanctions against employers who fail to provide reasonable accommodation in the workplace.[46]

42. The Committee on Economic, Social and Cultural Rights recommended that Montenegro increase the amount of the national minimum wage to a level sufficient to provide all workers and their families with a decent standard of living and periodically review it.[47]

43. The Human Rights Committee was concerned at the persistence of child labour, particularly among persons of Roma, Ashkali and Egyptian origin, who were often engaged in harmful and exploitative labour, particularly in begging.[48] The Committee on Economic, Social and Cultural Rights urged Montenegro to intensify its efforts to combat child labour, including through systematic and effective labour inspections, and by investigating, prosecuting and sanctioning those responsible and providing victims with rehabilitation and assistance.[49]

44. The Committee on Economic, Social and Cultural Rights expressed concern at reports of discriminatory acts against trade union representatives.[50] The International Labour Organization Committee of Experts on the Application of Conventions and Recommendations requested that Montenegro amend its legislation so as to ensure sufficiently dissuasive sanctions for acts of anti-union discrimination against union members and officials on the grounds of trade union membership or legitimate trade union activities.[51]

2. Right to social security

45. While welcoming the adoption, in May 2013, of the Law on Social and Child Protection, the Committee on Economic, Social and Cultural Rights was concerned at the lack of capacity of State institutions to implement the Law effectively. It also noted with concern that social assistance benefits, including for unemployed persons, older persons and persons with disabilities, were insufficient to ensure an adequate standard of living for the persons concerned and their families.[52]

66. The Committee on the Elimination of Discrimination against Women recommended that Montenegro establish a fund to support all women experiencing difficulties re-entering the workforce after leaving their formal employment to benefit from the annulled amendments to the Law on Social and Child Protection, in 2015, which promised lifelong benefits to mothers with three or more children, therefore creating an incentive for them to leave the formal labour market.[71]

67. The Committee recommended that Montenegro adopt a gender-responsive social protection floor to ensure that all rural women had access to essential health care, childcare facilities and income security. It also recommended that Montenegro ensure that rural women engaged in unpaid work or in the informal sector had access to non-contributory social protection schemes.[72]

3. Right to an adequate standard of living[73]

68. The Committee on Economic, Social and Cultural Rights was concerned at the increasing percentage of the population living below the national absolute poverty line and the prevalence of regional disparities in the enjoyment of economic, social and cultural rights. It called upon Montenegro to strengthen efforts to combat poverty and social exclusion, particularly in the northern region, and to develop an evaluation mechanism to assess the impact of the measures taken.[74] The Committee also recommended that Montenegro expand the availability and quality of social housing for homeless persons and low-income families.[75]

69. The Committee on the Elimination of Racial Discrimination was seriously concerned that persons of Roma, Ashkali and Egyptian origin who were "internally displaced" from Kosovo[*] continued to live in deplorable conditions in the Konik camp near Podgorica. It recommended that Montenegro take urgent measures to improve the living conditions in the Konik camp and implement a sustainable strategy aimed at its prompt closure, foster the local integration of persons of Roma, Ashkali and Egyptian origin in communities throughout the country and ensure that they were provided with adequate living and housing conditions.[76] As regards the relevant recommendation from the second cycle of the universal periodic review,[77] the Office of the United Nations High Commissioner for Refugees (UNHCR) noted the efforts made by Montenegro under the Regional Housing Programme and reported that six housing projects had been approved by the Assembly of Donors for Montenegro and that they were at different stages of implementation.[78] The United Nations country team observed that, despite those efforts, 419 refugee families would still remain without a durable housing solution, and recommended that Montenegro continue its efforts to secure a sustainable housing solution for them.[79]

4. Right to health[80]

70. The Committee on Economic, Social and Cultural Rights expressed concern at reports of the low quality of public health-care services, informal payments provided by patients to health-care practitioners, insufficient oversight of public procurement in the health-care sector, and obstacles faced by persons of Roma, Ashkali and Egyptian origin who did not have the legal status to effectively access health-care services.[81]

71. The Committee on the Elimination of Discrimination against Women recommended that Montenegro regularly monitor and significantly improve hygiene conditions, access to pain relief, respect for privacy and patients' involvement in decisions on maternity wards; make modern forms of contraception available to all women and girls; and raise awareness of how to prevent unwanted pregnancies and sexually transmitted diseases, including HIV/AIDS.[82] It also recommended that Montenegro ensure the integration of mandatory, age-appropriate sex education, including education on sexual and reproductive health and rights, into the school curricula.[83]

[*] All references to Kosovo in the present document should be understood to be in the context of Security Council resolution 1244 (1999).

52. The same Committee noted with concern the prevalence of a preference for sons in families and within society, as reflected by the relatively high number of sex-selective abortions, and recommended that Montenegro strictly implement the prohibition of such abortions and establish services, including helplines for women who were pressured into undergoing such abortions.[85]

53. The Committee on Economic, Social and Cultural Rights was concerned that persons in need of mental health care but not requiring hospitalization were nevertheless placed in psychiatric hospitals due to an absence of alternatives.[86]

5. Right to education[87]

54. The United Nations Educational, Scientific and Cultural Organization (UNESCO) noted the policy actions that had been taken by Montenegro since 2013 to improve the situation of education. In that regard, UNESCO commended the adoption of strategies specific to each level of education and other strategies regarding inclusive education and equal access of minorities. It noted that the challenge that remained was to successfully implement those strategies and their translation into concrete and effective measures.[88] The United Nations country team reported that the overall quality of the education system remained an issue and that, according to the 2015 report of the Organization for Economic Cooperation and Development on its Programme for International Student Assessment, approximately 50 per cent of 15-year-olds were below the basic literacy levels in each of the tested areas.[89]

55. UNESCO noted that the full inclusion of Roma in the education system, although improved, remained a challenge and recommended allocating an appropriate budget to ensure the full implementation of the Strategy for Social Inclusion of Roma and Egyptians in Montenegro.[90] The Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Racial Discrimination expressed concern at the reports of low rates of enrolment, low levels of school attendance, high drop-out rates and low educational attainment among children of Roma, Ashkali and Egyptian origin.[91]

56. UNESCO noted the action plan for achieving gender equality (2013-2017) and indicated that Montenegro should be encouraged to pursue its efforts towards gender equality in education.[92] The Committee on the Elimination of Discrimination against Women recommended that Montenegro conduct capacity-building programmes for teachers with a view to changing existing stereotypical attitudes about the role of women and men in the family and society, and eliminate traditional stereotypes and structural barriers that could deter girls from enrolling in traditionally male-dominated fields of study.[93]

57. The United Nations country team noted the policy efforts of Montenegro that had resulted in an increase of children with disabilities accessing education, but observed that pedagogical quality was still low and that a significant number of children with disabilities remained outside the formal education system.[94] The Committee on the Rights of Persons with Disabilities recommended that Montenegro adopt and implement a coherent strategy and action plan with clear time frames, indicators and evaluation benchmarks on inclusive and quality education in the mainstream education system; progressively improve the accessibility of mainstream schools and tertiary education; and ensure mandatory pre- and in-service training for all teachers and other education personnel on inclusive quality education.[95]

D. Rights of specific persons or groups

1. Women[96]

58. The Committee on the Elimination of Discrimination against Women welcomed the solid legislative framework of Montenegro to eliminate discrimination against women, but noted with concern the limited impact of the legislation and the low number of complaints about sex- or gender-based discrimination.[97]

59. The Committee on the Elimination of Discrimination against Women also welcomed the efforts of Montenegro to improve its institutional and policy framework to eliminate

discrimination against women.[59] It noted, however, the largely symbolic role of the bodies created, such as the National Council for Gender Equality, the Parliamentary Committee for Gender Equality and the councils and offices for gender equality that had been established in a significant number of municipalities, their insufficient funding and the limited impact of the previous action plan for gender equality (2013-2017).[60]

60. The Committee on the Elimination of Racial Discrimination recommended that Montenegro raise awareness about the double discrimination against women of Roma, Ashkali and Egyptian origin in education, employment and health care, and take specific measures to address it.[61]

61. While welcoming the adoption of the Law on Protection from Domestic Violence and the amendments to the Criminal Code to improve protection measures for victims of domestic violence, four Committees were concerned at their lack of effective implementation in practice, at the mild sentences given to perpetrators and at the inadequate protection and access to justice for victims. They recommended that Montenegro ensure that cases of domestic violence were thoroughly investigated, the perpetrators brought to justice and the victims adequately protected and compensated.[62] The Committee on the Elimination of Discrimination against Women also recommended that Montenegro ensure the availability of a sufficient number of adequate shelters and that victims received counselling, rehabilitation and support services.[63] UNESCO stated that Montenegro should be encouraged to further its efforts on awareness-raising and education against gender-based violence.[64]

62. The Committee on the Elimination of Discrimination against Women recommended that Montenegro amend the relevant laws to specifically criminalize marital rape and adopt the proposed changes to article 204 (2) of the Criminal Code to ensure that the main element of the definition of rape was lack of voluntary consent by the victim.[65]

2. Children[66]

63. The United Nations country team observed that Montenegro had made significant efforts to harmonize its child-related legal framework with United Nations and European standards and had achieved important results. However, it noted that continuous harmonization and effective implementation were necessary, and recommended that Montenegro further strengthen the Council on Child Rights and increase the capacities of governmental bodies, Parliament, the Protector of Human Rights and Freedoms, civil society and academia to improve the promotion and protection of children's rights.[67]

64. As regards the relevant recommendation from the second cycle of the universal periodic review,[68] UNHCR noted that, in 2015, Montenegro had amended the Law on Non-contentious Proceedings to introduce a court procedure for establishing the date and place of birth of persons born outside of the health system, therefore significantly improving late birth registration. However, UNHCR observed that there were still challenges in birth registration, particularly for children who were abandoned by their mothers, since the Ministry of the Interior refused to register a child if the requested data on the mother were unknown.[69] The Human Rights Committee recommended that Montenegro improve birth registration, particularly among Roma, Ashkali and Egyptian children, through awareness-raising programmes aimed at changing mindsets regarding the need to register births.[70]

65. The Committee on the Rights of Persons with Disabilities noted with concern that discrimination and social exclusion of children with disabilities was prevalent and that children with disabilities were frequently institutionalized. It recommended that Montenegro allocate the necessary resources to eliminate discrimination and the exclusion of children with disabilities, and take swift measures aimed at the deinstitutionalization of children and ensuring that they had access to all the necessary services in the context of community care.[71]

3. Persons with disabilities[72]

66. The Committee on the Rights of Persons with Disabilities commended Montenegro for adopting a number of legislative and policy measures in the field of disability.[73]

However, it was concerned that progress to bring the legislation into full compliance with the Convention on the Rights of Person with Disabilities had been largely insufficient. It recommended that Montenegro continue its efforts to regularly review existing and draft legislation in consultation with persons with disabilities and their representative organizations, and ensure that disability-impact assessments formed an integral part of the legislative process.[113]

67. The same Committee noted with concern that certain anti-discrimination provisions were discriminatory within themselves, as they only applied to discrimination based on certain types of impairments. Furthermore, it was concerned about the lack of equal protection of persons with disabilities who could be subjected to intersectional discrimination, such as persons with disabilities who were members of different ethnic groups, refugees, asylum seekers or internally displaced persons.[114]

68. The same Committee urged Montenegro to replace the current guardianship and substitute decision-making regime with a system of supported decision-making that fully respected the autonomy, integrity, dignity, will and preferences of the person.[115]

69. The Committee recommended that Montenegro adopt an adequately resourced, comprehensive accessibility strategy, and promote universal design for all buildings, public services and public transport.[116]

70. The United Nations country team noted the progress made by Montenegro regarding the rights of persons with disabilities, but observed that they remained marginalized, especially in the area of employment.[117]

4. Minorities and indigenous peoples[118]

71. While welcoming the efforts of Montenegro to address the de facto discrimination against persons of Roma, Ashkali and Egyptian origin, the Human Rights Committee was concerned that they continued to face discrimination in accessing housing, employment, education and social services, and participating in political life.[119] The Committee on the Elimination of Racial Discrimination recommended that Montenegro intensify its efforts to end discrimination against those groups; conduct information campaigns for the general public focused on the prevention of discrimination against them; and organize human rights training for law enforcement officials, judges, teachers, medical staff and social workers.[120]

8. Migrants, refugees, asylum seekers and internally displaced persons[121]

72. Regarding the relevant recommendation from the second cycle of the universal periodic review,[122] UNHCR noted that Montenegro had three times extended the deadline for refugees from the former Yugoslavia to apply for the status of foreigner under the amended Law on Foreigners. However, it observed that, despite the efforts made, out of a total of 12,800 applications, 945 were still pending owing to the difficulty that applicants had in acquiring the necessary documents. Therefore, applicants continued to hold the insecure and ambiguous legal status of either "internally displaced person" or "displaced person".[123] The United Nations country team recommended that Montenegro fully implement the Strategy for Durable Solutions of Issues Regarding Displaced and Internally Displaced Persons in Montenegro (2017-2019), which defined measures for achieving durable solutions for the remaining internally displaced persons or displaced persons waiting for a decision on their applications.[124]

73. UNHCR observed that, at the end of 2016, there were 11,035 refugees with permanent residence permits and 416 with temporary residence permits who had acquired the status of foreigner.[125] Regarding the relevant recommendation from the second cycle of the universal periodic review,[126] UNCHR and the United Nations country team noted that, under the 2009 Law on Foreigners, refugees who acquired the status of foreigner should have access to all the basic rights, but that, in practice, such access was still partial owing to the inconsistencies in implementing the Law.[127] They also noted that the 2014 Law on Foreigners limited access to the labour market for temporary residents, including refugees, to only seasonal jobs. Consequently, refugees granted temporary residence could not register with the Employment Bureau and, therefore, could not access the national medical services. As a result, they could not fulfil the requirements to qualify for permanent

residence, which included proof of secure income and health care. They recommended that Montenegro enable access to the labour market for refugees from the former Yugoslav who had acquired temporary residence for up to three years as a safeguard until they acquired permanent residence, and define a clear procedure for the transition from temporary to permanent resident.[128]

74. The Committee against Torture remained concerned at reports that the Montenegrin authorities continued to pursue repatriation, voluntary return or resettlement in a third country as the main solutions for displaced persons rather than integration in Montenegro.[129]

6. Stateless persons[130]

75. Regarding the relevant recommendation from the second cycle of the universal periodic review,[131] UNHCR noted that, in 2013, Montenegro had acceded to the 1961 Convention on the Reduction of Statelessness, thus completing accession to both universal and regional instruments on statelessness.[132]

76. UNHCR estimated that some 70 persons remained at risk of statelessness in Montenegro.[133] UNHCR and the United Nations country team stated that Montenegro still lacked a mechanism to identify, register and protect stateless persons, and recommended that it establish a dedicated procedure for those purposes.[134]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Montenegro will be available at www.ohchr.org/EN/Countries/ENACARegion/Pages/MEIndex.aspx.
[2] For relevant recommendations, see A/HRC/23/12, paras. 117.43, 118.1 and 119.1-119.8.
[3] See A/HRC/23/12, para. 119.4 (Costa Rica), 119.5 (Germany) and 119.6 (Austria).
[4] See CCPR/C/MNE/CO/1, para. 4; E/C.12/MNE/CO/1, para. 4; and CEDAW/C/MNE/CO/2, para. 6; also United Nations country team submission for the universal periodic review of Montenegro, p. 5.
[5] See CAT/C/MNE/CO/2, para. 4; E/C.12/MNE/CO/1, para. 3; and CERD/C/MNE/CO/2-3, para. 4.
[6] See E/C.12/MNE/CO/1, para. 4; and CERD/C/MNE/CO/2-3, para. 4; also United Nations country team submission, p. 5.
[7] See A/HRC/23/12, para. 117.43 (Republic of Moldova).
[8] See CAT/C/MNE/CO/2, para. 4; and CEDAW/C/MNE/CO/2, para. 6; also United Nations country team submission, p. 13.
[9] See A/HRC/23/12, paras. 119.1 (Chile) (Indonesia), 119.2 (Turkey) (Guatemala) (Belarus) and 119.3 (Philippines).
[10] See CEDAW/C/MNE/CO/2, para. 60; E/C.12/MNE/CO/1, para. 27; CERD/C/MNE/CO/2-3, para. 17; and CAT/C/MNE/CO/2, para. 26.
[11] See CRPD/C/MNE/CO/1, para. 55.
[12] See www.ohchr.org/EN/HRBodies/UPR/Pages/UPRImplementation.aspx.
[13] Office of the United Nations High Commissioner for Human Rights, *OHCHR Report 2013*, p. 180; and *OHCHR Report 2016*, pp. 79, 83 and 131.
[14] For relevant recommendations, see A/HRC/23/12, paras. 117.1-117.7 and 117.9.
[15] See E/C.12/MNE/CO/1, paras. 5 and 8; CCPR/C/MNE/CO/1, paras. 3 and 7; CAT/C/MNE/CO/2, para. 9; CERD/C/MNE/CO/2-3, para. 10. See also A/HRC/30/38/Add.2, para. 86.
[16] For relevant recommendations, see A/HRC/23/12, paras. 117.19-117.27, 117.33-117.35 and 118.8.
[17] See CEDAW/C/MNE/CO/2, paras. 18-19.
[18] See CAT/C/MNE/CO/2, para. 22; and E/C.12/MNE/CO/1, para. 10.
[19] See CAT/C/MNE/CO/2, para. 23; CCPR/C/MNE/CO/1, para. 8; and CEDAW/C/MNE/CO/2, para. 46.
[20] See CEDAW/C/MNE/CO/2, paras. 46-47.
[21] For relevant recommendations, see A/HRC/23/12, paras. 117.8, 117.36 and 119.12.
[22] See CAT/C/MNE/CO/2, para. 6.
[23] See A/HRC/30/38/Add.2, paras. 27 and 74; and CED/C/MNE/CO/1, paras. 8-9. See also CED/C/MNE/CO/1/Add.1, paras. 1-5.
[24] See CED/C/MNE/CO/1, paras. 24-25. See also CAT/C/MNE/CO/2, para. 7; CED/C/MNE/CO/1/Add.1, paras. 6-11; and CAT/C/MNE/CO/2/Add.1, paras. 1-6.
[25] See CAT/C/MNE/CO/2, para. 14. See also CED/C/MNE/CO/1, para. 19.

[26] See CAT/C/MNE/CO/2, para. 16. See also CCPR/C/MNE/CO/1, para. 12, and CEDAW/C/MNE/CO/2, para. 44.
[27] See CAT/C/MNE/CO/2, para. 17.
[28] See CEDAW/C/MNE/CO/2, para. 45.
[29] See CRPD/C/MNE/CO/1, paras. 28-29.
[30] See CAT/C/MNE/CO/2, para. 23, and CCPR/C/MNE/CO/1, para. 8. See also CEDAW/C/MNE/CO/2, paras. 46-47.
[31] For relevant recommendations, see A/HRC/23/12, paras. 117.52-117.62, 118.11 and 119.13.
[32] United Nations country team submission, pp. 4-5. See also CCPR/C/MNE/CO/1, para. 15, and CAT/C/MNE/CO/2, para. 10.
[33] See CAT/C/MNE/CO/2, para. 8. See also CCPR/C/MNE/CO/1, para. 16.
[34] See CERD/C/MNE/CO/2-3, para. 9. See also CERD/C/MNE/CO/2-3/Add.1, paras. 1-8.
[35] See CED/C/MNE/CO/1/paras. 12-13. See also A/HRC/30/38/Add.2, paras. 21-22.
[36] See A/HRC/30/38/Add.2, paras. 43-44 and 75. See also CED/C/MNE/CO/1, paras. 16-17, CCPR/C/MNE/CO/1, para. 9, CAT/C/MNE/CO/2, para. 13.
[37] See CED/C/MNE/CO/1/para. 17.
[38] See CAT/C/MNE/CO/2, para. 13. See also CCPR/C/MNE/CO/1, para. 6, and CED/C/MNE/CO/1, paras. 32-33.
[39] For relevant recommendations, see A/HRC/23/12, paras. 117.37, 117.63-117.71, 118.12-118.13 and 119.14-119.15.
[40] See CEDAW/C/MNE/CO/2, para. 4.
[41] See CEDAW/C/MNE/CO/2, paras. 28-29. See also CCPR/C/MNE/CO/1, para. 10.
[42] United Nations country team submission, p. 18.
[43] See CRPD/C/MNE/CO/1, paras. 52-53.
[44] See CEDAW/C/MNE/CO/2, para. 14.
[45] See A/HRC/26/30/Add.1, paras. 17, 23 and 77; and CCPR/C/MNE/CO/1, para. 21. See also E/C.12/MNE/CO/1, para. 9; and CAT/C/MNE/CO/2, para. 18.
[46] See A/HRC/26/30/Add.1, paras. 17, 38-43 and 78.
[47] Ibid., paras. 36-37 and 77.
[48] Ibid., paras. 66-68 and 82.
[49] See CED/C/MNE/CO/1, para. 5.
[50] See A/HRC/26/30/Add.1, paras. 58 and 81.
[51] For relevant recommendations, see A/HRC/23/12, paras. 117.46-117.51 and 118.1.
[52] See CCPR/C/MNE/CO/1, para. 14; E/C.12/MNE/CO/1, para. 18; and CEDAW/C/MNE/CO/2, para. 24.
[53] See CCPR/C/MNE/CO/1, para. 14. See also E/C.12/MNE/CO/1, para. 18; CEDAW/C/MNE/CO/2, para. 25; and www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3245221,102734,Montenegro,2015.
[54] See CEDAW/C/MNE/CO/2, para. 25.
[55] For relevant recommendations, see A/HRC/23/12, para. 118.7.
[56] See CRPD/C/MNE/CO/1, paras. 42-43.
[57] See CEDAW/C/MNE/CO/2, paras. 20-21; E/C.12/MNE/CO/1, para. 19; and CCPR/C/MNE/CO/1, para. 20.
[58] See CEDAW/C/MNE/CO/2, paras. 48-49.
[59] Ibid., para. 53.
[60] For relevant recommendations, see A/HRC/23/12, paras. 117.29 and 118.6.
[61] See E/C.12/MNE/CO/1, para. 12. See also United Nations country team submission, pp. 18-20.
[62] See CERD/C/MNE/CO/2-3, para. 15.
[63] United Nations country team submission, p. 20.
[64] See CEDAW/C/MNE/CO/2, paras. 32-33. See also United Nations country team submission, pp. 18 and 20; and www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13100:0::NO::P13100_COMMENT_ID:3148588.
[65] See CRPD/C/MNE/CO/1, para. 49. See also E/C.12/MNE/CO/1, para. 12.
[66] See E/C.12/MNE/CO/1, para. 13.
[67] See CCPR/C/MNE/CO/1, para. 19. See also www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3245221.
[68] See E/C.12/MNE/CO/1, para. 20. See also www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3245221,102734,Montenegro,2015.
[69] See E/C.12/MNE/CO/1, para. 15.

[70] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID,P11110_COUNTRY_ID,P11110_COUNTRY_NAME,P11110_COMMENT_YEAR:3257113,102734,Montenegro,2015.
[71] See E/C.12/MNE/CO/1, para. 16.
[72] See CEDAW/C/MNE/CO/2, paras. 36-37.
[73] Ibid., para. 38.
[74] For relevant recommendations, see A/HRC/23/12, paras. 117.10-117.11.
[75] See E/C.12/MNE/CO/1, para. 21.
[76] Ibid., para. 22.
[77] See CERD/C/MNE/CO/2-3, para. 13. See also CCPR/C/MNE/CO/1, para. 18, and E/C.12/MNE/CO/1, para. 22.
[78] See A/HRC/23/12, para. 117.96 (Austria).
[79] UNHCR submission to the universal periodic review of Montenegro, p. 3.
[80] United Nations country team submission, p. 6. See also UNHCR submission, p. 4.
[81] For relevant recommendations, see A/HRC/23/12, para. 118.3.
[82] See E/C.12/MNE/CO/1, para. 23. See also CEDAW/C/MNE/CO/2, para. 35.
[83] See CEDAW/C/MNE/CO/2, para. 35.
[84] Ibid., para. 31.
[85] Ibid., para. 19. See also E/C.12/MNE/CO/1, para. 24.
[86] See E/C.12/MNE/CO/1, para. 23. See also CRPD/C/MNE/CO/1, paras. 36-37.
[87] For relevant recommendations, see A/HRC/23/12, paras. 117.77, 117.87 and 118.3-118.4.
[88] UNESCO submission to the universal periodic review of Montenegro, pp. 4-5.
[89] United Nations country team submission, pp. 11-12.
[90] UNESCO submission, pp. 5-6. See also United Nations country team submission, p. 12.
[91] See E/C.12/MNE/CO/1, para. 25, and CERD/C/MNE/CO/2-3, para. 14. See also CEDAW/C/MNE/CO/2, paras. 30-31, and CERD/C/MNE/CO/2-3/Add.1, paras. 45-48.
[92] UNESCO submission, p. 5.
[93] See CEDAW/C/MNE/CO/2, para. 31.
[94] United Nations country team submission, p. 11.
[95] See CRPD/C/MNE/CO/1, para. 45. See also E/C.12/MNE/CO/1, para. 25, and UNESCO submission, p. 6.
[96] For relevant recommendations, see A/HRC/23/12, paras. 117.28-117.31, 117.38-117.42, 117.44-117.45 and 118.6-118.7.
[97] See CEDAW/C/MNE/CO/2, paras. 4 and 10-11.
[98] Ibid., para. 5.
[99] Ibid., para. 12.
[100] See CERD/C/MNE/CO/2-3, para. 15. See also CEDAW/C/MNE/CO/2, paras. 42-43.
[101] See CEDAW/C/MNE/CO/2, paras. 22-23, CCPR/C/MNE/CO/1, para. 11, CAT/C/MNE/CO/2, para. 19, and E/C.12/MNE/CO/1, para. 17. See also United Nations country team submission, p. 15.
[102] See CEDAW/C/MNE/CO/2, para. 23.
[103] UNESCO submission, p. 6.
[104] See CEDAW/C/MNE/CO/2, para. 23.
[105] For relevant recommendations, see A/HRC/23/12, paras. 117.12-117.18, 117.32, 118.2-118.5, 118.10 and 119.9-119.11.
[106] United Nations country team submission, pp. 8-9.
[107] See A/HRC/23/12, para. 119.11 (Brazil).
[108] UNHCR submission, pp. 4-5; also United Nations country team submission, p. 7.
[109] See CCPR/C/MNE/CO/1, para. 17.
[110] Ibid., paras. 14-15.
[111] For relevant recommendations, see A/HRC/23/12, paras. 117.24 and 117.72-117.77.
[112] See CRPD/C/MNE/CO/1, para. 4.
[113] Ibid., paras. 6-7.
[114] Ibid., para. 10.
[115] Ibid., para. 25.
[116] See CRPD/C/MNE/CO/1, para. 19.
[117] United Nations country team submission, p. 11.
[118] For relevant recommendations, see A/HRC/23/12, paras. 117.24-117.25 and 117.78-117.88.
[119] See CCPR/C/MNE/CO/1, para. 19. See also CERD/C/MNE/CO/2-3, para. 11.
[120] See CERD/C/MNE/CO/2-3, para. 11.
[121] For relevant recommendations, see A/HRC/23/12, paras. 117.24-117.25, 117.27 and 117.89-117.96.
[122] See A/HRC/23/12, para. 117.91 (Slovakia).
[123] UNHCR submission, pp. 1-2. See also CCPR/C/MNE/CO/1, para. 18, CERD/C/MNE/CO/2-3, para. 12, and CERD/C/MNE/CO/2-3/Add.1, paras. 20-37.

[124] United Nations country team submission, p. 8.
[125] UNHCR submission, p. 1.
[126] See A/HRC/23/12, para. 117.27 (Canada).
[127] UNHCR submission, pp. 3-4, and United Nations country team submission, p. 6.
[128] United Nations country team submission, p. 7; also UNHCR submission, pp. 3-4.
[129] See CAT/C/MNE/CO/2, para. 12.
[130] For relevant recommendations, see A/HRC/23/12, paras. 119.5-119.6.
[131] Ibid., para. 119.5 (Germany).
[132] UNHCR submission, pp. 1 and 3.
[133] Ibid., p. 2.
[134] Ibid., pp. 2 and 6, and United Nations country team submission, p. 5.

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Summary of Stakeholders' submissions on Montenegro*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 8 stakeholders' submissions[1] to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations and cooperation with international human rights mechanisms and bodies[2]

2. The Council of Europe (CoE) noted that in 2013 Montenegro ratified the Council of Europe Convention on preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).[3]

3. In 2014, the Commissioner for Human Rights of the Council of Europe (CoE-Commissioner) welcomed Montenegro's ratification of the UN Convention on the Reduction of Statelessness in 2013.[4]

B. National human rights framework[5]

4. The Protector of Human Rights and Freedoms of Montenegro (Ombudsman) reported that the 2014 amendments to the Law on the Protector of Human Rights and Freedoms of Montenegro strengthened its autonomy and independence and reinforced its mandate as the National Mechanism for the Prevention of Torture (NPM) and the Institutional Mechanism for the Protection against Discrimination. However, it noted that the proposal concerning the possibility for the Ombudsman to act as "amicus curiae" had

* The present document was not edited before being sent to United Nations translation services.

not been accepted and that sufficient funds had not been allocated to promotional activities.[6]

5. The Ombudsman indicated that the NPM activities were carried out in a separate workspace, that the NPM Working Group included external experts from different fields and that the NMP's four-year and annual visit plans had been adopted in consultation with NGOs. It also noted a significant increase in the number of complaints from persons deprived of their liberty as a result of the NMP's activities.[7] Amnesty International (AI) stated that NPM's recommendations were often ignored by the authorities and that concerns remained about its independence.[8] In 2014, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CoE-CPT) recommended that Montenegro consider creating a specific budget head for the NPM's activities within the overall budget of the Ombudsman's Office.[9]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross cutting issues

Equality and non-discrimination[10]

6. The Ombudsman stated that Montenegro's legislative framework was largely in compliance with anti-discrimination standards contained in international treaties ratified by Montenegro and EU directives.[11] CoE-Commissioner noted that the 2014 Law on Amendments of the Law on Prohibition of Discrimination introduced a new concept of direct and indirect discrimination and a definition of hate speech in line with European standards. He also observed that a legislative amendment of the Criminal Code of Montenegro in 2013 provided that the courts would consider it an aggravating circumstance if a criminal offence was committed out of hatred on the grounds of race, religion, national or ethnic origin, gender, sexual orientation or gender identity.[12] The Ombudsman considered crucial to similarly amend misdemeanour provisions and to remove existing deficiencies in relation to the detection and prosecution of hate speech and hate crimes.[13]

7. While recognising a number of legislative improvements, AI noted a number of measures that threatened Montenegro's already weak anti-discrimination architecture, such as the abolishment of the Anti-Discrimination Council, the dismissal of the Prime Minister's human rights adviser, and a reported decline in support for measures to guarantee LGBTI rights.[14]

8. In 2014, the European Commission against Racism and Intolerance (CoE-ECRI) was pleased to note that anti-discrimination training had been provided in a large number of sectors, including members of the Ombudsman's office, human rights NGOs, inspection service personnel and representatives of local governments.[15] CoE-Commissioner was concerned by the lack of adequate expertise in the Ombudsman's Office to efficiently handle complaints relating to discrimination.[16]

9. In 2015, the Committee of Ministers under the Framework Convention for the Protection of National Minorities (CoE-CM) noted that negative stereotypes and prejudices against persons belonging to the Roma minority, in particular the internally displaced persons from Kosovo[1], continued to persist. It recommended that Montenegro expand the measures aimed at promoting tolerance and inter-ethnic dialogue throughout the country.[17] CoE-Commissioner stated that various reports indicate that the Roma remained the most vulnerable and marginalised minority in Montenegro.[18]

10. The Ombudsman reported that the LGBTIQ population was still exposed to the risk of various forms of violation of their rights, including violence.[19] CoE noted that the CoE-Commissioner, while commending Montenegro for its measures to improve human rights

[1] All references to Kosovo in the present document should be understood to be in the context of Security Council resolution 1244 (1999).

of LGBTI persons, urged the authorities to continue their efforts to combat homophobia and transphobia, including through systematic awareness-raising and educational activities, and called on them to effectively investigate all reported cases of violence against LGBTI persons.[20]

Development, the environment, and business and human rights

11. The Ombudsman stated that Montenegro had improved its normative and institutional framework in the field of environmental protection and that violations of the right to a healthy environment were mainly due to the inconsistent implementation of the regulations in the field of urban planning, construction, waste disposal, and air and acoustic pollution. It noted that environmental awareness of the citizenry was still low.[21]

2. Civil and political rights

Right to life, liberty and security of person

12. AI recommended that Montenegro amend the Criminal Code to define torture in compliance with the Convention against Torture, ensure penalties commensurate with the gravity of the crime and remove the statute of limitations on torture. It also recommended that Montenegro separately define enforced disappearance in the Criminal Code and recognize it as a continuing offence.[22]

13. In 2014, the Advisory Committee on the Framework Convention for the Protection of National Minorities (CoE-ACFC) recommended that Montenegro continue and extend the measures to raise awareness among members of the police force regarding respect for diversity and human and minority rights. It also recommended that authorities strengthen supervisory mechanisms to monitor police behaviour.[23]

14. AI reported that torture and other ill-treatment of detainees in police stations and prisons continued in Montenegro and that the authorities rarely conducted prompt and impartial investigations. It noted that impunity was also enjoyed in the context of public order policing, especially by Montenegro's Special Anti-Terrorist Unit, as suggested by the slow investigation and lack of disciplinary measures or prosecutions for the events of October 2015, when riot police used excessive force to remove a camp of demonstrators outside the Parliament.[24]

15. CoE-CPT noted that during its 2013 visit to Montenegro it received many allegations of physical ill-treatment of persons deprived of their liberty by the police. It observed that the great majority of them referred to ill-treatment inflicted at the time of questioning, and that the ill-treatment was in some cases of such severity that it could be considered to amount to torture. It considered necessary that Montenegro apply a multi-faced approach in order to change the culture within the police that viewed ill-treatment as acceptable and ensure that any such allegation was investigated promptly and thoroughly. It called on the Montenegrin authorities at the highest level to periodically deliver a clear message that all forms of ill treatment of detained persons were illegal and would be punished accordingly and to adopt whistle blower protection measures.[25]

16. CoE-CPT recommended ensuring that all newly-arrived prisoners received a thorough medical examination and that the medical report was systematically brought to the attention of the competent prosecutor whenever injuries indicative of ill-treatment were recorded.[26] It also recommended expressly guaranteeing to persons deprived of their liberty by the police the right of access to a doctor from the very outset of their deprivation of liberty.[27]

17. CoE-CPT noted Montenegro's renovation efforts of some prisons' infrastructure. However, it observed overcrowding in some detention centres and recommended that Montenegro pursue its efforts to combat it.[28]

18. CoE-CPT noted that, although most inmates interviewed stated that they had been treated correctly by penitentiary staff, it had received some allegations of ill-treatment of inmates by staff and episodes of inter-prisoner violence. It recommended that a firm message be delivered to prison staff that physical ill-treatment and verbal abuse of prisoners

were not acceptable and would be punished accordingly and that authorities invest more efforts in tackling and eradicating inter-prisoner violence.[9]

19. Regarding the deinstitutionalisation of persons with intellectual disabilities in the Komanski Most Institution, CoE-Commissioner called on Montenegro to develop community and alternative care solutions and to initiate a process for the carefully planned and gradual closure of the institution.[10]

20. CoE reported that the CoE-Commissioner called on the authorities to effectively investigate all reported cases of violence against LGBTI persons and ensure accountability before the law.[11]

Administration of justice, including impunity and the rule of law[12]

21. In 2015, the Group of States against Corruption (CoE-GRECO) stated that, despite positive legislative changes, corruption continued to be an important concern in Montenegro.[13] It noted the measures taken, such as the adoption of the Law on the Prevention of Corruption and the establishment of an Agency for the Prevention of Corruption and of a Special Prosecution Office for the Fight Against Corruption and Organized Crime. However, it observed that, while the legislative and policy framework could be considered strong on paper, its practical effectiveness continued to be put into question, in particular in relation to high level corruption cases.[14]

22. The Ombudsman noted that, despite an increased efficiency of courts and a reduced number of backlog cases, the long duration of judicial proceedings persisted. It considered necessary to strengthen the judiciary and improve its accountability system.[15]

23. CoE-GRECO noted the Constitutional changes adopted in 2013 to reduce political influence on the appointment of high level judicial officials through more transparent and merit based procedures. It recommended that Montenegro take additional measures to strengthen the independence of the Judicial Council, which had the responsibility of appointing, promoting, transferring and dismissing judges.[16] CoE-GRECO also recommended that Montenegro further develop the disciplinary framework for judges and prosecutors and publish information on complaints received, disciplinary action taken and sanctions applied against judges and prosecutors.[17]

24. CoE-ACFC noted that the right to use minority languages in court was respected in practice and that in municipalities with a high presence of minority population the judges also included minority language speakers.[18]

25. AI stated that impunity persisted for war crimes against Montenegro's civilian population. It referred to several war crime cases that ended with the acquittal of the defendants and welcomed that seven of these cases were reportedly under review to determine if sufficient ground existed to reopen the proceedings. It recommended that Montenegro ensure that all prosecutions of crimes under international law were conducted promptly and impartially and in accordance with international fair trial standards, as also recommended by recommendations 118.11[19] and 119.13[20] of the previous UPR.[21] CoE noted that the CoE-Commissioner recommended developing programmes for systematic professional training in international criminal and humanitarian law targeting prosecutors and judges.[22]

26. AI noted that victims of crimes under international law had rarely received reparations and recommended that Montenegro introduce legislation to provide an effective administrative framework for reparations for civilian victims of war, including the relatives of the missing, as recommended in recommendation 117.62[23] of the previous UPR.[24] CoE noted that the CoE-Commissioner urged Montenegro to develop, in close consultation with victims, reparation initiatives that go beyond compensation and include victim's rehabilitation and social inclusion if necessary.[25]

Fundamental freedoms and the right to participate in public and political life[26]

27. CoE-ACFC noted that, the electoral legislation had been amended to create more favourable conditions for the election of deputies from national minorities. However, it observed that the introduction of a particular rule for the Croatian minority, lowering the

threshold of the votes needed in order to obtain a seat in the Parliament, had created an unjustified distinction in treatment between candidates of the Croatian and Roma minorities, whose number was very similar according to the 2011 census.[48]

28. The Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe (OSCE/ODIHR) reported that the 2016 parliamentary elections were held in a competitive environment and fundamental freedoms were generally respected. It noted that the Election Observation Mission recommended, inter alia, that Montenegro reform, through an inclusive process, the election legislation, reviewing the residency and legal capacity requirements for voting and introducing internal measures for political parties to promote women to senior positions. It also recommended reviewing the election appeals system to guarantee an effective and timely remedy for all complaints.[49]

29. CoE-MIE noted that Montenegro had established Minority Councils representing the Albanian, Bosniak, Croat, Muslim, Roma and Serb national minorities, which played an active role in stimulating public debate on issues affecting national minorities. However, it observed that, although they were established under the Law on Minority Rights and had a role in the legislative process, they were essentially considered to be non-governmental organisations without any real decision-making power. It also noted that there was no mechanism to guarantee a gender balance in their composition and that they were subject to criticism due to the perception of being vehicles of political patronage.[50] The Ombudsman considered essential to strengthen the role of such councils, in particular their consultative and advisory functions, and to encourage additional financial support for the realization of their projects and other activities.[51]

30. AI reported that journalists and media workers continued to receive threats, that some of them had been physically assaulted, including by police officers, and that independent media offices had been damaged. It noted that impunity persisted for both past violations and more recent attacks. Since the last UPR, some 20-25 cases of attacks against journalists and media outlets had been documented annually but, with few exceptions, these crimes remained unresolved. AI also noted that journalists critical of the government, along with NGOs and human rights defenders, continued to be subjected to smear campaigns by media supportive of the government.[52] It recommended that Montenegro take effective action to end impunity for past attacks on independent media and journalists and ensure that all reported threats and attacks against journalists, media workers, NGOs and human rights defenders were investigated promptly, thoroughly, impartially and independently.[53]

31. AI reported that, in November 2013, the Ministry of Interior established a Commission for Monitoring Actions of Competent Authorities in the Investigation of Cases of Threats and Violence against Journalists, Assassinations of Journalists and Attacks on Media Property. It noted however that the Commission had been denied access to relevant classified documents, that five non-state members of the Commission were still denied security clearance, and that the Commission had not met since 2016.[54]

32. CoE-Commissioner noted that, although defamation was now dealt with by civil courts, it was important to ensure that judgements fully complied with the requirements of article 10 of the European Convention on Human Rights and recalled that awards by courts of disproportionate amounts as damages may contravene it.[55]

33. CoE-Commissioner found unacceptable the public use by certain leading politician of inflammatory remarks, including personal insults, against journalists and their work. He also noted reports indicating that media content was significantly influenced by the business and political interests of media owners, and that media ownership was not transparent.[56]

34. Alliance Defending Freedom International (ADF International) noted that the law required religious groups to register with the police within 15 days of their establishment in order to be recognized as a legal entity. It further observed that most religious groups objected to the Draft Law on Freedom of Religion in Montenegro proposed by the Government in 2019, which would allow only Montenegrin citizens to establish religious groups and teach religious classes; require religious groups to "confidentially inform" the government prior to the appointment of church officials; and make all churches and monasteries built before 1918 into State property.[57] ADF International recommended that

Montenegro ensure that any system of registration of religious communities did not discriminate against any individual or group and that the authorities refrain from intervening in the internal workings of church governance and from siding with or unfairly benefiting any religious faction.[58]

35. CoE-ACFC noted that no significant progress had been achieved regarding the restitution of religious property confiscated under the former communist regime and invited the authorities to proceed with such restitution.[59]

Prohibition of all forms of slavery[60]

36. In 2016, the Group of Experts on Action against Trafficking in Human Beings (CoE-GRETA) noted the adoption of a National Strategy for combating human trafficking for the period 2012-2018, implemented through annual or biannual actions plans. However, it noted that there was no external evaluation or monitoring of the implementation of the strategy or the plans and recommended that Montenegro examine the possibility of designating an independent mechanism to monitor the anti-trafficking activities of State institutions.[61]

37. In 2016, the Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (CoE-CP) welcomed a number of progresses in Montenegro's action to combat human trafficking.[62] It recommended that Montenegro take additional steps to ensure that all victims of trafficking benefitted from assistance and protection measures; facilitate access to compensation for victims; guarantee the application of the non-punishment provision; and ensure that human trafficking cases, including those involving public officials, were investigated, prosecuted and led to effective, proportionate and dissuasive sanctions.[63]

Right to privacy and family life[64]

38. The Ombudsman observed that the Law on Registered Partnership, which had been submitted to the Parliament in 2012, had not yet been adopted.[65]

3. Economic, social and cultural rights

Right to work and to just and favourable conditions of work[66]

39. The Ombudsman reported that employments opportunities had not significantly improved and that the situation of unemployed vulnerable groups and individuals, such as the elderly, persons with disabilities, Roma and displaced persons, was particularly difficult. It considered crucial to intensify activities to reduce unemployment, increase the minimum wage, and ensure that private companies comply with labour legislation.[67]

40. CoE-Commissioner commended the efforts undertaken so far by the authorities, but noted that Roma continued to face serious difficulties in the field of employment.[68]

41. In 2016, European Committee of Social Rights (CoE-ESC) reported that in Montenegro nationals of other State Parties did not have access to certain jobs, which constituted discrimination on grounds of nationality, and that the legislation prohibited women from performing certain occupations, which constituted a discrimination based on sex.[69]

42. The European Organisation of Military Associations (EUROMIL) reported on the discriminatory treatment affecting the civilian personnel and the military personnel under temporary contract of the Montenegrin armed forces on different issues, in particular in relation to housing rights, working conditions, benefits and compensations for health and safety hazards, length of contract and reintegration into civil life.[70]

Right to social security

43. CoE-ESC reported that in Montenegro the duration of the unemployment benefit was too short and the minimum level of old-age pension was inadequate.[71]

Right to an adequate standard of living[71]

44. CoE-ESC noted that in Montenegro the level of social assistance was manifestly inadequate and family benefits did not cover a significant number of families.[72]

45. AI noted that recommendations on the right of adequate housing of refugees from Kosovo, who had lived at the Konig camps outside Podgorica since 1999, had been only partially implemented and that some 977 persons remained at Konig I almost 18 years after they flew from Kosovo.[73] CoE-ECRI welcomed the efforts of the authorities, through the Regional Housing Programme, to solve the problem of Konik and close it down. However, it remained concerned that the housing solution proposed was the construction of standard accommodation in the area of existing camps, which was a suburb of Podgorica and isolated from the majority of the population. Moreover, CoE-ECRI was unaware of any participation of the Roma, Ashkali and Egyptian community in the decision-making process on this important issue affecting them.[74]

Right to health[75]

46. CoE-Commissioner observed that in 2012 the government adopted a new Strategy for Improving the Position of the Roma and Egyptians in Montenegro 2012-2016 and an accompanying action plan, which inter alia envisaged measures aimed at raising awareness among Roma about their right to health. He noted the activities conducted by the Ministry of Health in this regard, including raising awareness initiatives, the existence of health mediators that interacted with Roma and provided them with the necessary assistance, and the preparation of a strategy on reproductive care, which paid special attention to Roma women. CoE-Commissioner hoped that this strategy would help address concerns relating to the poor state of reproductive health of Roma women, especially in the Konik camps.[76]

Right to education[77]

47. The Ombudsman noted that, regardless of the measures taken, the problem of low coverage in preschool education was still present and that the current network of preschool institutions did not provide accessible and quality preschool education to all children. It also noted that inclusion of children with special educational needs into the regular educational system had improved, but that inter-sectorial cooperation needed to be strengthened.[78]

48. CoE-ACFC observed that teaching in minority languages was organised at the primary and secondary level in the municipalities inhabited by persons belonging to the Albanian minority and that new curricula had been adopted in the field of language and literature which included elements of Serbian, Bosnian and Croatian language and literature. It recommended that Montenegro ensure that good quality textbooks and manuals were available for all subjects taught in minority languages at all levels of education and encourage schools to consistently use the possibility offered in the general curriculum of reflecting the identity and culture of persons belonging to national minorities.[79]

49. CoE-ACFC noted that, although the number of Roma children attending primary schools had increased, there was still an urgent need for sustained efforts to increase their attendance past the primary level. It welcomed Montenegro's efforts in this regard and recommended that the Roma Minority Council should be involved at all stages in education programmes, including their design, monitoring and evaluation.[80]

50. In relations to the establishment of a bus service to transport the Roma children from the Konik camps to various schools around Podgorica, CoE-Commissioner considered that it would be advisable to first provide the families of the children concerned with adequate housing and then ensure that Roma children attend mainstream schools where they could mix with children from other communities.[81]

51. The Ombudsman indicated that it was necessary to strengthen psychological and pedagogical services within schools to provide adequate support to children, parents and teachers in addressing the issue of increasing peer violence.[82]

4. Rights of specific persons or groups

Women[84]

52. The Ombudsman reported that, despite improved legislation and the strategic documents adopted, gender inequality was still evident and reflected by the lack of political and social participation of women, the economic inequality between men and women, the unequal sharing of responsibilities within families, and the differences in access to property rights.[85]

53. Joint Submission 1 (JS1) noted that domestic violence was a pervasive problem in Montenegro. It observed that Montenegro had taken critical steps toward protecting victims and holding offenders accountable, including the adoption of the Law on Domestic Violence Protection and of a Protocol on Actions, Prevention and Protection Against Family Violence, but stressed that additional efforts were needed.[86]

54. JS1 observed that key actors in the fight against domestic violence, including the police, judges, prosecutors, health care professionals and staff at the Center for Social Welfare, frequently lacked adequate knowledge of the Law on Domestic Violence Protection, did not understand the dynamics of domestic violence, were often insensitive to victims, and failed to hold offenders accountable. JS1 recommended that Montenegro implement regular and comprehensive training for all system actors and prioritize victims' safety by, inter alia, systematically informing all victims of the availability of protection measures and of their rights to a supportive advocate, prohibiting the use of "confrontation" by judges in domestic violence cases, and adequately funding NGO services for victims.[87] JS1 also noted that criminal law, misdemeanour law and family legislation provisions related to domestic violence needed to be harmonised with the Law on Domestic Violence Protection.[88]

55. The Ombudsman considered essential to intensify and improve the work of multidisciplinary teams as well as the monitoring of the implementation of protective measures, security measures and suspended sentences, which were mostly imposed to the offenders of domestic violence.[89]

Children[90]

56. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) welcomed the enactment of amendments to the Family Law which prohibited "corporal punishment or any other cruel, inhuman or degrading treatment" and extended this to parents, guardians and all other persons taking care of or coming into contact with the child. However, since the law did not contain a definition of the term "corporal punishment", GIEACPC recommended that Montenegro enact and implement a legal ban of all corporal punishment of children, however light, in every setting of their lives, as a matter of priority.[91]

Persons with disabilities[92]

57. The Ombudsman noted that the situation of persons with disabilities needed to be enhanced by providing a physically accessible environment, overcoming communication barriers and strengthening support services and assistive technologies. It stressed the need to apply the concept of supported decision-making and promote the independent living of persons with disabilities, by removing all barriers that may hinder their full and effective participation in the society on an equal basis with others.[93]

58. CoE-Commissioner commended the strengthening of the domestic legislative and institutional framework regarding the human rights of persons with disabilities and called upon the authorities to step up their efforts aimed at the implementation of the legislation relating to spatial planning. He also noted concerns about some shortcomings in the legislation, such as the lack of penalties for the violation of the employers' obligation to provide "reasonable accommodation".[94]

Minorities[95]

59. CoE-ACFC observed that a climate of tolerance and understanding between persons belonging to national minorities and the majority continued to prevail in Montenegro, including in municipalities with ethnically mixed population.[96] It welcomed the fact that legislative provisions guaranteeing the rights of persons belonging to national minorities contained in the Law on Minority Rights and the 2007 Constitution had been expanded and strengthened by a number of legislative acts in the field of data protection, culture, education, elections, civil registration and identity documents, but noted that there were significant problems with implementation of such laws.[97]

60. CoE-ACFC noted that Montenegro had not amended the definition of the term "national minority" contained in the Law on Minority Rights to ensure that it was harmonised with the Constitution. In particular, whereas the Law on Minority Rights established a direct link between citizenship and national minorities, the Constitution of 2007 made no such explicit link.[98]

61. The Ombudsman noted the need to further improve the situation of national minority groups by ensuring proportional representation within public sector at the state and local level and monitoring the implementation of the measures adopted.[99]

62. Despite the efforts made by the authorities to improve the situation of Roma in a range of areas, in particular in the framework of the 2012-2016 Strategy to improve the Position of Roma and Egyptians in Montenegro, CoE-ACFC noted that a large number of Roma did not participate in the economic life of the country.[100] It noted persistent negative stereotypes and prejudice against persons belonging to the Roma minority and invited the authorities to promote intercultural dialogue, mutual understanding and respect, as well as to combat prejudice towards persons belonging to national minorities and IDPs living in Montenegro, particularly through education and the media.[101]

63. CoE-ACFC encouraged Montenegro to continue supporting radio and television broadcasting in the languages of national minorities, provide radio and television coverage to issues affecting national minorities, and ensure that public TV and radio stations mainstream the interests of minorities into their regular programming.[102]

Migrants, refugees, asylum seekers and internally displaced persons[103]

64. CoE noted that the CoE-Commissioner encouraged the authorities to step up their efforts to ensure that displaced persons who wish to do so had their legal status in Montenegro regularised.[104]

65. CoE-CM recommended that Montenegro continue to assist internally displaced persons with the acquisition of identity documents; find, in consultation with those concerned, durable solutions which would enable the closure of the Konik Camp; and provide for adequate integration or return opportunities for the camp's inhabitants, including by allocation of necessary resources.[105]

Stateless persons[106]

66. AI noted that, despite ratifying the 1961 Convention on the Reduction of Statelessness in 2013, Montenegro had no procedure to determine statelessness and stated that at least 800 Roma and Egyptians remained at risk of statelessness. It recommended that Montenegro take prompt measures to introduce into the law a robust process to determine statelessness in order to ensure that all Kosovo Roma and Egyptians were entitled to full enjoyment of their rights.[107]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.
Civil society

Individual submissions:

ADF International	Alliance Defending Freedom International (Switzerland);
AI	Amnesty International, London (United Kingdom);
EUROMIL	European Organisation of Military Associations (Belgium);
GIEACPC	Global Initiative to End All Corporal Punishment of Children (United Kingdom of Great Britain and Northern Ireland).

Joint submissions:

JS1	Joint submission 1 submitted by: The Advocates for Human Rights (United States of America); SOS Hotline for Women and Children Victims of Violence-Niksic (Montenegro); Women's Rights Center (Montenegro).

National human rights institution:

Ombudsman	Protector of Human Rights and Freedoms of Montenegro (Montenegro).

Regional intergovernmental organization(s):

CoE	The Council of Europe, Strasbourg (France); **Attachments:** (CoE-CPT) Report to the Government of Montenegro on the visit to Montenegro carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 13 to 20 February, 2013, CPT/Inf(2014)16; (CoE-Commissioner) Report by Mr. Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, following his visit to Montenegro from 17 to 20 March 2014, Strasbourg, CommDH (2014) 13; (CoE-ECRI) European Commission against Racism and Intolerance Conclusions on the Implementation of the Recommendations in Respect of Montenegro Subject to Interim Follow-Up, adopted on 9 December 2014, CRI(2015)7; (CoE-ACFC) – Advisory Committee on the Framework Convention for the Protection of National Minorities, Second Opinion on Montenegro, adopted on 19 June 2013, Strasbourg, ACFC/OP/II(2013)002; (CoE-CM) – Committee of Ministers under the terms of Articles 24 to 26 of the Framework Convention for the Protection of National Minorities, Resolution on the implementation of the Framework Convention for the Protection of National Minorities, Resolution by Montenegro, CM/ResCMN(2015)2; (CoE-GRETA) – Group of Experts on Action against Trafficking in Human Beings, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Montenegro, adopted on 8 July 2016, GRETA(2016)19; (CoE-CP) – Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings, Recommendation on the implementation of the Council of Europe Convention on Action against Trafficking in Human beings by Montenegro, adopted on 4 November 2016, CP(2016)10; (CoE-GRECO) – Group of States against Corruption, Fourth Evaluation Round, Evaluation Report Montenegro, adopted on 19 June 2015, Greco Eval IV Rep (2014) 6E; (CoE-ESC) Factsheet on Montenegro of the Department of the European Social Charter, Directorate General of Human Rights and the Rule of Law;
OSCE/ODIHR	Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe, Warsaw, Poland.

[1] For relevant recommendations, see A/HRC/23/12, paras. 117.43, 118.1 and 119.1-119.8.

[3] See CoE, p. 5.
[4] See CoE-Commissioner, p. 12.
[5] For relevant recommendations, see A/HRC/23/12, paras. 117.1-117.7, 117.9.
[6] See Ombudsman, p. 1.
[7] See Ombudsman, p.3. See also CoE-CPT, para. 9.
[8] See AI, p. 2.
[9] See CoE-CPT, para. 10.
[10] For relevant recommendations, see A/HRC/23/12, paras. 117.19-117.27, 117.33-117.35 and 118.8.
[11] See Ombudsman, p. 3. See also CoE-Commissioner, p. 15; CoE-ACFC, p. 6; and CoE-CM, p. 1.
[12] See CoE-Commissioner, p.15.
[13] See Ombudsman, p. 3.
[14] See AI, pp. 2-3.
[15] See CoE-ECRI, p. 6.
[16] See CoE-Commissioner, p.3 and 21.
[17] See CoE-CM, pp. 3 and 4.
[18] See CoE-Commissioner, p. 16.
[19] See Ombudsman, p. 5.
[20] See CoE, p. 3. See also CoE-Commissioner, pp. 4 and 18.
[21] See Ombudsman, p. 2.
[22] For relevant recommendations, see A/HRC/23/12, paras. 117.8, 117.36 and 119.12.
[23] See AI, pp. 2 and 9.
[24] See CoE-ACFC, p. 22.
[25] See AI, pp. 7-8.
[26] See CoE-CPT, paras. 14, and 16-18.
[27] See CoE-CPT, para. 25.
[28] See CoE-CPT, para. 30.
[29] See CoE-CPT, paras. 38, 40.
[30] See CoE-CPT, paras. 41-43.
[31] See CoE-Commissioner, p. 4. See also CoE, p. 2.
[32] See CoE, p. 3.
[33] For relevant recommendations, see A/HRC/23/12, paras. 117.52-117.62, 118.11 and 119.13.
[34] See CoE-GRECO, p. 3.
[35] See CoE-GRECO, p. 7.
[36] See Ombudsman, p. 2.
[37] See CoE-GRECO, pp. 3-4, 22-24 and 38.
[38] See CoE-GRECO, pp.29-30, 36 and 38-39.
[39] See CoE-ACFC, p. 26.
[40] See A/HRC/23/12, para. 118.11 (Spain).
[41] See A/HRC/23/12, para. 119.13 (Switzerland).
[42] See AI, pp. 3-4 and 9. See also CoE-Commissioner, pp.7-9.
[43] See CoE, p. 2.
[44] See A/HRC/23/12, para. 117.62 (France).
[45] See AI, pp. 5 and 9. See also CoE, p. 2.
[46] See CoE, p. 2.
[47] For relevant recommendations, see A/HRC/23/12, paras. 117.37, 117.63-117.71, 118.12-118.13 and 119.14-119.15.
[48] See CoE-ACFC, pp.8-9. See also CoE-CM, pp. 3 and 4.
[49] See OSCE/ODIHR, p. 2.
[50] See CoE-ACFC, p. 5 and 9. See also CoE-CM, p. 4.
[51] See Ombudsman, p. 4.
[52] See AI, pp. 5-6.
[53] See AI, p. 9. See also CoE, p. 3.
[54] See AI, p. 6.
[55] See CoE-Commissioner, p. 23.
[56] See CoE-Commissioner, p. 25.
[57] See ADF International, paras. 7-14.
[58] See ADF International, para. 16.
[59] See CoE-ACFC, p. 23.
[60] For relevant recommendations, see A/HRC/23/12, paras. 117.46-117.51 and 118.1.
[61] See CoE-GRETA, paras. 23-26.
[62] See CoE-CP, pp. 1-2.
[63] See CoE-CP, p. 1-3. See also CoE-GRETA, paras. 88-131, 144-160.

[64] For relevant recommendations, see A/HRC/23/12, para. 118.7.
[65] See Ombudsman, p. 5.
[66] For relevant recommendations, see A/HRC/23/12, paras. 117.29 and 118.6.
[67] See Ombudsman, p. 2.
[68] See CoE-Commissioner, pp. 17 and 21. See also ODIHR/OSCE, p. 8.
[69] See CoE-ESC, pp. 3 and 4.
[70] See EUROMIL, pp. 1-2.
[71] See CoE-ESC, p. 4.
[72] For relevant recommendations, see A/HRC/23/12, paras. 117.10-117.11.
[73] See CoE-ESC, p. 4.
[74] See AI, p. 1. See also ODIHR/OSCE, p. 7.
[75] See CoE-ECRI, pp. 6-7.
[76] For relevant recommendations, see A/HRC/23/12, para.118.3.
[77] See CoE-Commissioner, p. 16.
[78] For relevant recommendations, see A/HRC/23/12, paras. 117.77, 117.87 and 118.3-118.4.
[79] See Ombudsman, p. 3.
[80] See CoE-ACFC, pp. 8 and 28-29, 32. See also CoE-CM, p. 2 and 3-4.
[81] See CoE-ACFC, p. 8, 29-31. See also CoE-CM, p. 3-4, and ODIHR/OSCE, p. 8.
[82] See CoE-Commissioner, p. 18.
[83] See Ombudsman, p. 3.
[84] For relevant recommendations, see A/HRC/23/12, paras. 117.28-117.31, 117.38-117.42, 117.44-117.45 and 118.6-118.7.
[85] See Ombudsman, p. 4.
[86] See JS1, p. 2.
[87] See JS1, pp. 2, 4-9 and 10-11.
[88] See JS1, p.4.
[89] See Ombudsman, p. 4. See also JS1, pp. 7-8.
[90] For relevant recommendations, see A/HRC/23/12, paras. 117.12-117.18, 117.32, 118.2-118.5, 118.10 and 119.5-119.11.
[91] See GII-ACPC, p. 1 and 3. See also OSCE/ODIHR, p. 5.
[92] For relevant recommendations, see A/HRC/23/12, paras. 117.24 and 117.72-117.77.
[93] See Ombudsman, p. 4.
[94] See CoE-Commissioner, pp. 4, 19 and 21. See also OSCE/ODIHR, p. 3.
[95] For relevant recommendations, see A/HRC/23/12, paras. 117.24-117.25 and 117.78-117.88.
[96] See CoE-ACFC, pp. 7 and 20.
[97] See CoE-ACFC, p. 6.
[98] See CoE-ACFC, p. 6 and 11. See also CoE-CM, p.1.
[99] See Ombudsman, p. 4.
[100] See CoE-ACFC, p. 9. See also CoE-Commissioner, p. 4.
[101] See CoE-ACFC, p. 7, 21.
[102] See CoE-ACFC, pp. 1, 7 and 25. See also CoE-CM, p. 2.
[103] For relevant recommendations, see A/HRC/23/12, paras. 117.24-117.25, 117.27 and 117.89-117.96.
[104] See CoE, p. 2.
[105] See CoE-CM, p. 4.
[106] For relevant recommendations, see A/HRC/23/12, paras.119.5-119.6.
[107] See AI, pp. 1-2, 9. See also CoE, p. 2.